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Monies Flow to the Music Community.  
Governed by the Global Music Community.  
Available to the Entire Global Music Community.

December 1, 2015

**Re: 500 new Support Letters for .MUSIC Community Application (ID 1-1115-14110)**

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

Please accept the attached, over 100 new Letters of Support for DotMusic Limited and its .MUSIC multi-stakeholder, community-based application with ID 1-1115-14110.<sup>1</sup>

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<sup>2</sup> during the .MUSIC Community Priority Evaluation (“CPE”) process. If there are any issues verifying any of the Letters, please do not hesitate to contact us.

As per the ICANN CPE FAQ,<sup>3</sup> 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  
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Twitter: <https://twitter.com/mus>

Supporting Organizations: <http://www.music.us/supporters>

Board: <http://www.music.us/board>

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<sup>1</sup> See <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>

<sup>2</sup> For DotMusic support letters, see <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadattachment/142588?t:ac=1392>, <https://www.icann.org/en/system/files/correspondence/zamek-to-icann-eiu-23nov15-en.pdf> (100), <https://www.icann.org/en/system/files/correspondence/zamek-to-icann-eiu-09nov15-en.pdf>, (400+) <https://www.icann.org/en/system/files/correspondence/zamek-to-icann-31oct15-en.pdf> (85+) <https://www.icann.org/en/system/files/correspondence/zamek-to-icann-16sep15-en.pdf> (100+) <https://www.icann.org/en/system/files/correspondence/zamek-to-icann-02sep15-en.pdf> (30+) <https://www.icann.org/en/system/files/correspondence/zamek-to-icann-eiu-17aug15-en.pdf> (40+) <https://www.icann.org/en/system/files/correspondence/roussos-to-icann-eiu-12aug15-en.pdf> (100+)

<sup>3</sup> See <http://newgtlds.icann.org/en/applicants/cpe/faqs-10sep14-en.pdf>, Pg. 5

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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Melodie Archer*

Signature: mel.lynn.archer@gmail.com, Nov 24 '15 ip: 70.72.141.117

Name: Melodie Archer

Title: B.Mus. RMT

Organization/Artist Name: Member ARMTA

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: jeremymillzz@gmail.com, Nov 24 '15 ip: 73.183.121.96

Name: Jeremy L. Miller

Title: Musician, Songwriter

Organization/Artist Name: Jeremy L. Miller

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

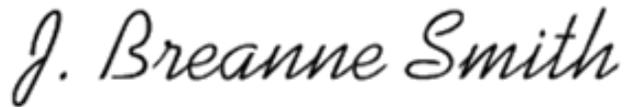
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jbreannesmith@gmail.com, Nov 24 '15 ip: 24.21.160.181

Name: J. Breanne Smith

Title: Owner

Organization/Artist Name: Nerd Nest Media

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: bradvanlandingham@gmail.com, Nov 23 '15 ip: 50.181.157.98

Name: Brad Vanlandingham

Title: Music Artist and Composer ASCAP Member

Organization/Artist Name: Brad Vanlandingham Music

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

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<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: eliza.sh@gmail.com, Nov 23 '15 ip: 188.29.164.186

Name: Eliza

Title: Miss

Organization/Artist Name: Eliza

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: olga.rozi@gmail.com, Nov 23 '15 ip: 24.114.87.170

Name: Olga Rozin

Title: Miss

Organization/Artist Name: Olga Rosen K.

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

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Signature: willnaldo7@gmail.com, Nov 23 '15 ip: 66.87.83.116

Name: William Oliver

Title: Mr .

Organization/Artist Name: Imogen Heap

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: destoye@gmail.com, Nov 23 '15 ip: 66.245.162.246

Name: David Estoye

Title: Art Director

Organization/Artist Name: DDB

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: olivernixon@outlook.com, Nov 23 '15 ip: 90.21.215.208

Name: Oliver Nixon

Title: Mr

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: thomas.evan.roach@gmail.com, Nov 23 '15 ip: 38.65.67.254

Name: Thomas R.

Title: Mr.

Organization/Artist Name: NA

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Signature: dinmore@gmail.com, Nov 23 '15 ip: 80.229.85.168

Name: Andrew Dinmore

Title: Mr

Organization/Artist Name: n/a

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: martin.muggli@gmail.com, Nov 23 '15 ip: 68.166.118.234

Name: Martin D. Muggli

Title: PhD. Student

Organization/Artist Name: Colorado State University

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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12. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: mptacin@gmail.com, Nov 23 '15 ip: 76.183.193.212

Name: Michael Ptacin, D.M.A.

Title: Educator and Performer

Organization/Artist Name: Independent

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: john@babacita.com, Nov 23 '15 ip: 184.174.139.208

Name: John Kowalski

Title: Founder

Organization/Artist Name: Babacita

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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*Daniel Lima*

Signature: limalab@gmail.com, Nov 23 '15 ip: 201.80.83.252

Name: Daniel Lima Fonseca

Title: Author Producer Artist

Organization/Artist Name: Daniel Lima

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<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

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*David M. McNamara*

david@ssi-usa.net, Nov 21 '15 ip: 72.70.50.217

Signature:

Name: David M. McNamara

Title: Composer

Organization/Artist Name: David M. McNamara

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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: louis.david83@gmail.com, Nov 21 '15 ip: 70.196.77.243

Name: Louis D Tribou III

Title: Graphic Designer

Organization/Artist Name: Imogen heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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Signature: myemailrm81@yahoo.com, Nov 24 '15 ip: 107.13.41.222

Name: L M Gregory

Title: Family Services Coordinator

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: richcariens@gmail.com, Nov 24 '15 ip: 108.28.105.2

Name: Richard Cariens

Title: Music Fan

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

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Signature: graham@stepbeyond.co.uk, Nov 24 '15 ip: 195.62.223.90

Name: Graham Meigh

Title: Director

Organization/Artist Name: Step Beyond

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: freedomdinosaur@gmail.com, Nov 24 '15 ip: 146.199.56.160

Name: Benjamin James Winwood

Title: Mr

Organization/Artist Name: Benjamin Winwood | Film Composer

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: s.cross42@virgin.net, Nov 24 '15 ip: 81.158.157.79

Name: Stephen J Cross

Title: Mr

Organization/Artist Name: SJC

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

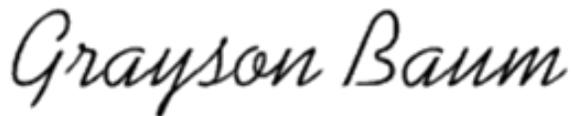
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: graywolf242@gmail.com, Nov 23 '15 ip: 75.68.165.136

Name: Grayson Baum

Title: Student and Vocal Performer

Organization/Artist Name: Grayson Baum

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: bradvanlandingham@gmail.com, Nov 23 '15 ip: 50.181.157.98

Name: Brad Vanlandingham

Title: Music Artist and Composer Owner Brad Vanlandingham Music ASCAP Member

Organization/Artist Name: Brad Vanlandingham Music

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

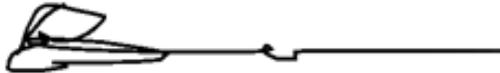
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
Christine Willett, ICANN Vice-President of gTLD Operations;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: benjaminketron@gmail.com, Nov 23 '15 ip: 96.88.64.121

Name: Benjamin Ketron

Title: Benjamin Ketron

Organization/Artist Name: Benjamin Ketron

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: erinne.larissa@gmail.com, Nov 23 '15 ip: 50.196.19.189

Name: Erinne Goodell

Title: Erinne Goodell

Organization/Artist Name: Erinne Goodell

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: arya.sanatijavan@gmail.com, Nov 23 '15 ip: 65.49.68.189

Name: Arya

Title: Music

Organization/Artist Name: Arya Sanati Javan

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: geofftheunissen@gmail.com, Nov 23 '15 ip: 197.86.150.77

Name: Geoff Theunissen

Title: Mr

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: dan@levelheads.com, Nov 23 '15 ip: 70.208.67.93

Name: Dan Marshall

Title: Sensei

Organization/Artist Name: Dan Marshall / Augustine

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Sébastien Sivadier*

Signature: ryokan@hotmail.com, Nov 23 '15 ip: 90.5.114.64

Name: Sébastien Sivadier

Title: Mr .

Organization/Artist Name: None

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Signature: jimgro@gmail.com, Nov 23 '15 ip: 5.157.38.34

Name: James Gross

Title: James Gross

Organization/Artist Name: Freelance

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Malorie C. Bohannon*

maloriebohannon@gmail.com, Nov 23 '15 ip: 166.172.57.12

Signature:

Name: Malorie C. Bohannon

Title: Mrs .

Organization/Artist Name: .

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: kguptar88@hotmail.com, Nov 23 '15 ip: 190.6.224.34

Name: Kyle Guptar

Title: Mr .

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: sethlael@gmail.com, Nov 23 '15 ip: 67.170.203.19

Name: Seth lael peterson

Title: Owner

Organization/Artist Name: Seth lael

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: david.algranti@gmail.com, Nov 23 '15 ip: 82.239.69.198

Name: David Algranti

Title: Mr

Organization/Artist Name: David Algranti

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: cjcamjoe@gmail.com, Nov 23 '15 ip: 180.243.124.90

Name: Camelia

Title: Ms .

Organization/Artist Name: CJ

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

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*Nick Samuel*

Signature: nick@hoppermusic.com, Nov 23 '15 ip: 82.132.225.160

Name: Nick Samuel

Title: Composer

Organization/Artist Name: Nick Samuel

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

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

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: arielagiron@gmail.com, Nov 23 '15 ip: 100.2.212.205

Name: Ariel Giron

Title: Commander in Cheif

Organization/Artist Name: The Church of Satan

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: cailinmichal@yahoo.com, Nov 23 '15 ip: 173.74.175.97

Name: Cailin Swingle

Title: Ms .

Organization/Artist Name: Personal

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

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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Signature: carolinegshaler@gmail.com, Nov 23 '15 ip: 152.10.249.181

Name: Caroline G. Shaler

Title: Musician

Organization/Artist Name: Caroline

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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Christine Willett, ICANN Vice-President of gTLD Operations;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: kunal1ewis007@gmail.com, Nov 23 '15 ip: 113.193.99.200

Name: kunal Ahirwal

Title: Mr .

Organization/Artist Name: Imogen heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

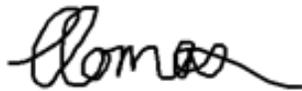
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: emmamarielomax@gmail.com, Nov 23 '15 ip: 5.179.105.34

Name: Emma Lomax

Title: Miss

Organization/Artist Name: Emma Lomax

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music Policy and Copyright Infringement Dispute Resolution Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: corylindinbe@hotmail.com, Nov 23 '15 ip: 166.175.184.41

Name: Cory King

Title: Creative Director

Organization/Artist Name: Meadow Heights Church

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

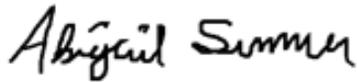
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: abbysummer@gmail.com, Nov 23 '15 ip: 24.6.188.173

Name: Abigail Sumner

Title: Mrs .

Organization/Artist Name: None

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: damien@limtribe.com, Nov 23 '15 ip: 116.86.38.28

Name: Damien Lim

Title: Mr

Organization/Artist Name: Bioveda

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

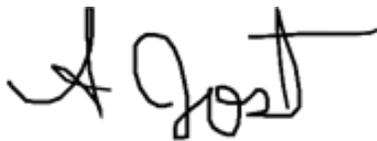
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: mandy\_j88@hotmail.com, Nov 23 '15 ip: 50.26.176.18

Name: Amanda Jost

Title: Miss

Organization/Artist Name: Imogen heap

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: nikhilsingh94@hotmail.com, Nov 23 '15 ip: 209.6.233.43

Name: Nikhil Singh

Title: Mr .

Organization/Artist Name: Nikhil Singh

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

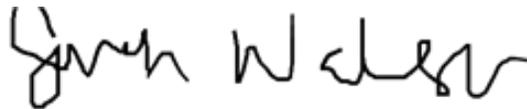
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: imsars@gmail.com, Nov 23 '15 ip: 166.170.32.171

Name: Sarah Walsh

Title: none

Organization/Artist Name: DotMusic support / Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: r.ponto@comcast.net, Nov 23 '15 ip: 128.223.174.216

Name: Robert Ponto

Title: Assistant Dean

Organization/Artist Name: University of Oregon School of Music and Dance

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: mail@irenehoffman.com, Nov 23 '15 ip: 184.187.160.160

Name: Irene Hoffman

Title: MS

Organization/Artist Name: Irene Hoffman Design

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Signature: zachary.vaz@spartans.ut.edu, Nov 23 '15 ip: 96.58.52.0

Name: Zachary Vaz

Title: Mr

Organization/Artist Name: N/A

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: deancarpenter09@gmail.com, Nov 23 '15 ip: 109.255.212.57

Name: Dean Carpenter

Title: Mr. Dean Carpenter

Organization/Artist Name: Dean Carpenter

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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*Daniel Villalobos*

Signature: dagvillalobos@gmail.com, Nov 23 '15 ip: 109.147.5.67

Name: Daniel Villalobos

Title: Mr

Organization/Artist Name: Dan Villalobos

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: vanessamery1@gmail.com, Nov 23 '15 ip: 50.241.184.180

Name: Vanessa DeLisio

Title: Person

Organization/Artist Name: Imogene Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Fernando Marcos*

Signature: zephyrs@hotmail.com, Nov 23 '15 ip: 12.31.71.58

Name: Fernando Marcos

Title: Mr

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: mike@mikejames.org, Nov 23 '15 ip: 165.120.80.79

Name: Mike James

Title: Mr

Organization/Artist Name: mikejames.org

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: stephensvatek@utexas.edu, Nov 23 '15 ip: 129.116.17.107

Name: Stephen Svatek

Title: Mr .

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

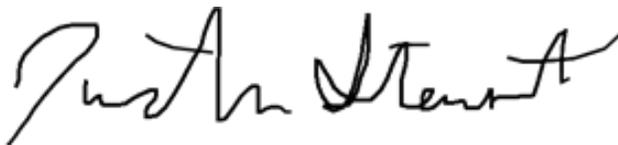
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: redplatus87@gmail.com, Nov 23 '15 ip: 50.153.155.4

Name: Justin Stewart

Title: BSS

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: speccygeekgrrl@gmail.com, Nov 23 '15 ip: 74.70.76.82

Name: Danielle Cregan

Title: Clerk

Organization/Artist Name: Albany Public Library

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

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<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

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<sup>19</sup> <http://www.afilias.info/about-us>

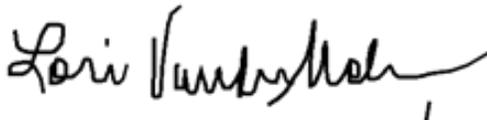
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Cyrus Namazi, ICANN Vice-President of DNS Engagement;  
John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: lori.vandermolen@yahoo.com, Nov 23 '15 ip: 75.48.221.46

Name: Lori VanderMolen

Title: Executive Assistant

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: emmbedee@gmail.com, Nov 23 '15 ip: 174.35.222.207

Name: Mike Downey

Title: Man

Organization/Artist Name: None

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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Signature: hat20271@gmail.com, Nov 23 '15 ip: 172.94.29.223

Name: Peter Conran

Title: Mr

Organization/Artist Name: THE MAN WITH THE HAT

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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Cherine Chalaby, ICANN Chair of the New gTLD Committee;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: actrnr@me.com, Nov 23 '15 ip: 68.224.146.47

Name: Angie Turner

Title: None

Organization/Artist Name: Imogen heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: dmts@danmtslatter.com, Nov 23 '15 ip: 2.100.154.47

Name: Dan M.T Slatter

Title: Mr

Organization/Artist Name: Dan M.T Slatter

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Marcus Violette*

Signature: violetteculture@gmail.com, Nov 23 '15 ip: 87.114.130.214

Name: Marcus Violette

Title: Mr

Organization/Artist Name: Marcus Violette

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: ryan@ryanpearce.me, Nov 23 '15 ip: 87.114.4.40

Name: Ryan Pearce

Title: Mr

Organization/Artist Name: Mwtmc

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

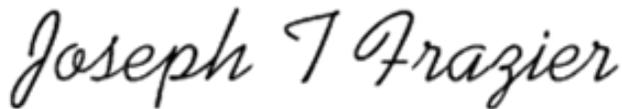
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jtfrazier@outlook.com, Nov 23 '15 ip: 24.142.225.6

Name: Joseph T Frazier

Title: Proprietor

Organization/Artist Name: Joe 's Geek Fest

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: sophie.unrequitedlove@gmail.com, Nov 23 '15 ip: 83.151.252.82

Name: Sophie Atkinson

Title: Miss

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: w1199@hotmail.co.uk, Nov 23 '15 ip: 109.149.151.230

Name: Wil Sheward

Title: Mr .

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>19</sup> <http://www.afilias.info/about-us>

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*Antriksh Bali*

Signature: antrikshbali@hotmail.com, Nov 23 '15 ip: 45.49.23.50

Name: Antriksh Bali

Title: Mr .

Organization/Artist Name: Antriksh Bali

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: anil.kamalagharan@gmail.com, Nov 23 '15 ip: 92.10.173.64

Name: Anil Kamalagharan

Title: Managing Director/Artist

Organization/Artist Name: London Contemporary Voices

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: mitchellrjones@gmail.com, Nov 23 '15 ip: 99.42.117.117

Name: Mitchell Jones

Title: Mr .

Organization/Artist Name: Parameciuman

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: gabepgh@gmail.com, Nov 23 '15 ip: 66.87.75.119

Name: Gabriel Habtemariam

Title: Student

Organization/Artist Name: Imogen Heap

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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Michael Teuber*

Signature: michael.teuber@vogel-t-music.de, Nov 23 '15 ip: 95.90.184.85

Name: Michael Teuber

Title: M.A.

Organization/Artist Name: Vogel T.

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: s.goodlad@sky.com, Nov 23 '15 ip: 31.85.237.147

Name: Simon Goodlad

Title: Mr

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: yeroshasound@gmail.com, Nov 23 '15 ip: 80.169.15.196

Name: Yerosha Windrich

Title: Musician

Organization/Artist Name: Yerosha Sound

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Signature: simonaradumusic@gmail.com, Nov 23 '15 ip: 5.12.227.105

Name: Simona Radu

Title: Ms .

Organization/Artist Name: Simona Radu

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

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<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: elinorh@aol.com, Nov 23 '15 ip: 86.174.1.194

Name: Elly Hughes

Title: Dr

Organization/Artist Name: Largesse and Bluster

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Daniel Kuhn*

Signature: returntable@gmail.com, Nov 23 '15 ip: 95.91.211.19

Name: Daniel Kuhn

Title: --

Organization/Artist Name: Freelance Journalist/Musician

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
Christine Willett, ICANN Vice-President of gTLD Operations;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Donovan Rowlands*

Signature: don@donsplace.org, Nov 23 '15 ip: 213.205.194.142

Name: Donovan Rowlands

Title: Mr

Organization/Artist Name: The Bach Choir

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

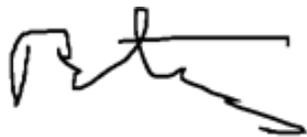
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: mp@michaelpeters.de, Nov 23 '15 ip: 80.134.110.40

Name: Michael Peters

Title: Michael Peters

Organization/Artist Name: Michael Peters

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: thirstforwine@gmail.com, Nov 23 '15 ip: 86.6.108.210

Name: Robert McIntosh

Title: Owner

Organization/Artist Name: `thirstforwine`

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for comments for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: em-one@widthofem.com, Nov 22 '15 ip: 86.15.138.84

Name: Matthew Dunne

Title: Mr

Organization/Artist Name: Em-One

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
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[result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392), 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. For the Letter of Support rationale, please read the subsequent pages.



Signature: chris.palmer7@btinternet.com, Nov 23 '15 ip: 81.128.157.66

Name: Chris Palmer

Title: Musician

Organization/Artist Name: She's Got The River

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for comments for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors. Furthermore, the senders are negligible in terms of size or relevance with respect to music as determined by a web search on those opposing entities i.e. none of these entities are globally-recognized music organizations of substantial size. Furthermore, the opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. DotMusic does not claim to represent the interests of every single Community member as some opposition letters claim. However, pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

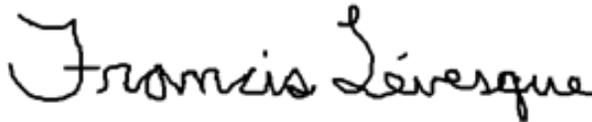
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: garbonso@gmail.com, Nov 23 '15 ip: 173.38.117.77

Name: Francis Levesque

Title: Mr .

Organization/Artist Name: The District Heat

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: forrest.akin@gmail.com, Nov 23 '15 ip: 108.198.228.222

Name: Forrest Akin

Title: Drummer

Organization/Artist Name: Forrest Akin

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: papergod88@yahoo.com, Nov 23 '15 ip: 67.226.43.69

Name: Ricky Whitehead

Title: Listener

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: toddtate@gmail.com, Nov 23 '15 ip: 208.90.212.215

Name: Todd Tate

Title: toddtate.net

Organization/Artist Name: Todd Tate

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: scott.stephen.hansen@outlook.com, Nov 23 '15 ip: 137.229.78.206

Name: scott hansen

Title: Mr .

Organization/Artist Name: imogen heap sent us

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

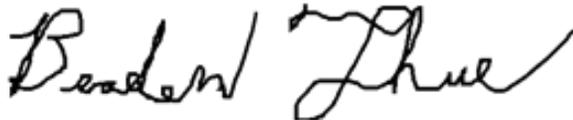
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: bradenthue@college.harvard.edu, Nov 23 '15 ip: 65.112.8.202

Name: Braden Thue

Title: Student

Organization/Artist Name: Harvard University

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: zoe.doll@gmail.com, Nov 23 '15 ip: 161.31.136.11

Name: Zoe Doll

Title: Supporter

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: ianfking@outlook.com, Nov 23 '15 ip: 24.79.147.245

Name: Ian King

Title: Admin

Organization/Artist Name: Artspace

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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[result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392), 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: gabriel.tremblay91@gmail.com, Nov 23 '15 ip: 96.20.180.18

Name: Gabriel Tremblay

Title: Mr .

Organization/Artist Name: Syzzors

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: thackwell188@googlemail.com, Nov 23 '15 ip: 213.205.252.68

Name: Thomas Hackwell

Title: Mr

Organization/Artist Name: Armchair Committee

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

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Signature: stefan@stefanweise.com, Nov 23 '15 ip: 75.173.242.14

Name: Stefan Weise

Title: Stefan Weise

Organization/Artist Name: Stefan Weise

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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

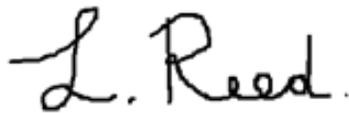
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: lyndal.reed@theguardian.com, Nov 23 '15 ip: 77.91.250.202

Name: Lyndal

Title: Event Producer

Organization/Artist Name: Guardian Live

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: tymon.kruidenier@gmail.com, Nov 23 '15 ip: 82.157.129.24

Name: Tymon Kruidenier

Title: Tymon Kruidenier

Organization/Artist Name: Our Oceans & Exivious

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: amydaniels@sun.ac.za, Nov 23 '15 ip: 146.232.65.202

Name: Amy L. Daniels

Title: MS

Organization/Artist Name: Private

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

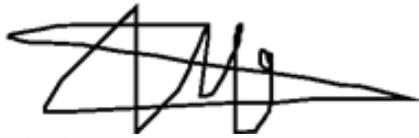
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: dvdschembri@gmail.com, Nov 23 '15 ip: 158.169.150.5

Name: David Schembri

Title: Mr

Organization/Artist Name: David Schembri

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

A handwritten signature in black ink that reads "KBlois". The signature is written in a cursive, somewhat stylized font. The letters "K" and "B" are large and prominent, while "lois" is written in a smaller, more fluid script. There is a horizontal line drawn under the entire signature.

Signature: kblois@hotmail.com, Nov 23 '15 ip: 83.113.172.137

Name: BLOIS Karine

Title: Ms

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: peter.kerdsile@gmail.com, Nov 23 '15 ip: 77.248.92.171

Name: Peter Kerdsile

Title: Music lover

Organization/Artist Name: .Music

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: agazza@mac.com, Nov 23 '15 ip: 198.45.26.26

Name: Adriano Gazza

Title: Director/Artist

Organization/Artist Name: BLANK

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

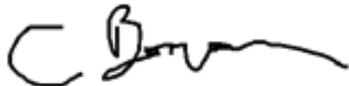
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: crissieb@hotmail.com, Nov 22 '15 ip: 86.188.9.234

Name: Cris Bonacci

Title: MS

Organization/Artist Name: Cris Bonacci

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

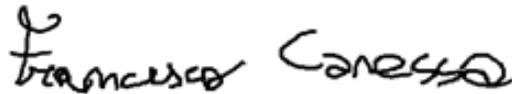
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: makevoid@gmail.com, Nov 22 '15 ip: 86.163.99.139

Name: Francesco Canessa

Title: Software Developer

Organization/Artist Name: –

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: billgauvreau@gmail.com, Nov 22 '15 ip: 73.18.88.38

Name: Bill Gauvreau

Title: Artist/Songwriter

Organization/Artist Name: Bill Gauvreau

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for comments for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: icemake.phoenix@gmail.com, Nov 23 '15 ip: 79.224.102.162

Name: Tuan Nguyen

Title: None

Organization/Artist Name: None

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Signature: sriram@whodat.in, Nov 23 '15 ip: 116.75.82.163

Name: Sriram Ganesh

Title: CEO

Organization/Artist Name: Whodat

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

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<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

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Signature: movementssthatmatter@gmail.com, Nov 23 '15 ip: 91.184.216.39

Name: Vanessa Geiger

Title: Ms .

Organization/Artist Name: Imogen Heap

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: dougcasel2@gmail.com, Nov 23 '15 ip: 70.194.137.34

Name: Doug Cassel

Title: Artist and Fan

Organization/Artist Name: Eames Moor

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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*L Workman-Dent*

Signature: ljwdent@gmail.com, Nov 23 '15 ip: 81.106.93.97

Name: Louise Workman-Dent

Title: MS

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
Christine Willett, ICANN Vice-President of gTLD Operations;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Paul James Dempsey*

mengabung@gmail.com, Nov 22 '15 ip: 171.4.248.121

Signature:

Name: Paul James Dempsey

Title: Owner

Organization/Artist Name: SlowDeepBreath

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: sarahstaples@icloud.com, Nov 23 '15 ip: 96.80.178.61

Name: Sarah Staples

Title: Listener

Organization/Artist Name: Humanity

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: reinoud.kruithof@gmail.com, Nov 24 '15 ip: 87.208.32.125

Name: Reinoud Kruithof

Title: –

Organization/Artist Name: –

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: ndwade@yahoo.com, Nov 23 '15 ip: 99.7.19.93

Name: Nate Wade

Title: Mr .

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: chadleeskrikker3@gmail.com, Nov 23 '15 ip: 41.133.165.27

Name: Chadlee Skrikker

Title: Mr .

Organization/Artist Name: Chadlee Skrikker

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

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Signature: yaklulu@gmail.com, Nov 23 '15 ip: 109.68.199.10

Name: Simon Jacobs

Title: Mr

Organization/Artist Name: Imogen Heap

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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: cmzaleski@yahoo.com, Nov 23 '15 ip: 74.69.70.146

Name: Caralyn M Zaleski

Title: N/a

Organization/Artist Name: N/a

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: larry@thefarmersbarn.com, Nov 23 '15 ip: 73.188.198.24

Name: Lawrence T Farmer

Title: Music Fan and Supporter

Organization/Artist Name: Consumer / Supporter of all artists

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
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[result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392), 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: chrisharston@icloud.com, Nov 23 '15 ip: 149.254.235.36

Name: Chris Harston

Title: Mr

Organization/Artist Name: Chris Harston Studio

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: davidjking00@gmail.com, Nov 23 '15 ip: 166.175.191.80

Name: David King

Title: Mr

Organization/Artist Name: Dude Le Fool

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music Policy and Copyright Infringement Dispute Resolution Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

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Signature: info@lospennato.com, Nov 23 '15 ip: 146.185.25.170

Name: Leonardo Lospennato

Title: Owner

Organization/Artist Name: Lospennato Guitars

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

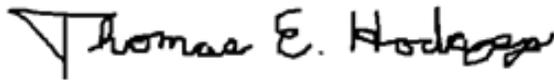
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: calsetines\_99@yahoo.com, Nov 23 '15 ip: 70.115.153.215

Name: Tom Hodapp

Title: N/A

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Dr. Tatyana E. Shubina*

tatyana@outlanders-productions.com, Nov 23 '15 ip: 185.17.206.65

Signature:

Name: Dr. Tatyana E. Shubina

Title: Co-founder and co-CEO

Organization/Artist Name: Outlanders Productions

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: mike@radionowhere.net, Nov 23 '15 ip: 50.0.91.54

Name: Michael Baker

Title: Independent Singer/Songwriter

Organization/Artist Name: Radio Nowhere

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jpup4life@gmail.com, Nov 23 '15 ip: 66.87.123.122

Name: jonathan walton

Title: mr .

Organization/Artist Name: n/a

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: dhivyaajeet@gmail.com, Nov 23 '15 ip: 60.50.101.10

Name: Mahadhivyaajeet

Title: Ms .

Organization/Artist Name: Dhivyaajeet

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

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Signature: schroedmark@gmail.com, Nov 23 '15 ip: 50.241.154.97

Name: Mark Schroeder

Title: Director of Facilities

Organization/Artist Name: The Church of the Redeemer

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

A handwritten signature in black ink that reads "B. CLACHERTY". The letters are slightly slanted and connected in a cursive-like style.

Signature: bronwen@clacherty.co.za, Nov 23 '15 ip: 197.87.7.28

Name: Bronwen Clacherty

Title: Miss

Organization/Artist Name: The Tholakele Project

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: mail@davidlilja.se, Nov 23 '15 ip: 80.245.227.19

Name: David Elfström Lilja

Title: Mr

Organization/Artist Name: Moist

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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*Denise Selvon*

Signature: denise\_bradley-selvon@hotmail.co.uk, Nov 23 '15 ip: 82.132.214.158

Name: Denise Selvon

Title: Ms

Organization/Artist Name: Dot music. Imogen heap

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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

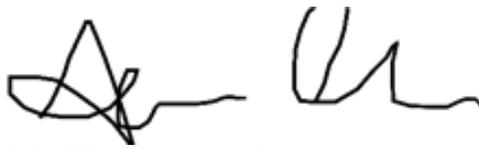
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: love\_straub@hotmail.com, Nov 23 '15 ip: 2.123.55.182

Name: Aubrey Garner

Title: Miss

Organization/Artist Name: Just me

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

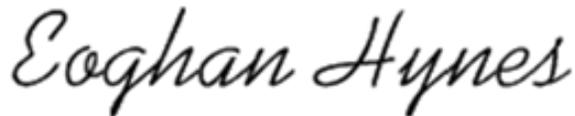
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: eoghan@hyn.es, Nov 23 '15 ip: 87.198.161.74

Name: Eoghan Hynes

Title: Mr

Organization/Artist Name: Assets

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Alan Duncan*

Signature: elreydelchili@gmail.com, Nov 23 '15 ip: 94.31.7.101

Name: Alan Duncan

Title: Digital guy

Organization/Artist Name: SThree

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

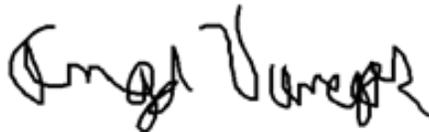
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: angelman@gmail.com, Nov 22 '15 ip: 50.153.103.14

Name: Angel Vanegas

Title: Musician Programmer

Organization/Artist Name: Angel Vanegas

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: mckay@b-oz.com, Nov 23 '15 ip: 24.6.40.62

Name: McKay Garner

Title: Music Producer/Engineer/Composer/Artist

Organization/Artist Name: McKay Garner

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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*R. Ian Sutherland*

Signature: riansutherland@gmail.com, Nov 23 '15 ip: 12.150.115.98

Name: R. Ian Sutherland

Title: Musician

Organization/Artist Name: Saving Grass/Sutherland Family Band

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>3</sup> <http://music.us/events>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Angela Pfeferstein*

Signature: apfefer@gmail.com, Nov 23 '15 ip: 98.223.74.154

Name: Angela Pfeferstein

Title: Fan

Organization/Artist Name: Imogen Heap sent me

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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A handwritten signature in black ink, appearing to read "Brian Parnell". The signature is fluid and cursive, with a large initial "B" and "P".

Signature: parnellguitar@gmail.com, Nov 23 '15 ip: 173.60.121.245

Name: Brian Parnell

Title: Owner

Organization/Artist Name: Regurgitation Records

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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[result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392), 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

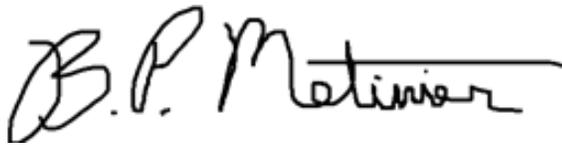
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
Christine Willett, ICANN Vice-President of gTLD Operations;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: brettm1969@hotmail.com, Nov 23 '15 ip: 104.36.200.213

Name: Brett Metivier

Title: Musician

Organization/Artist Name: B.P. Metivier

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: robin@sessionwire.com, Nov 23 '15 ip: 205.250.207.250

Name: Robin Leboeq

Title: Founder

Organization/Artist Name: Sessionwire Communications Inc.

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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*Bill F. Tackett, Jr.*

Signature: tacketts7@gmail.com, Nov 23 '15 ip: 216.68.249.18

Name: Bill F. Tackett, Jr.

Title: Worship Leader/bassist

Organization/Artist Name: Elevation Community Church

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: gareth@monotron.co.uk, Nov 24 '15 ip: 213.120.119.234

Name: Gareth Dolloway

Title: Mr .

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: blaz.rodic@gmail.com, Nov 23 '15 ip: 89.212.190.231

Name: Blaz Rodic

Title: Mr .

Organization/Artist Name: /

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: martinguadiana@hotmail.com, Nov 23 '15 ip: 148.238.251.173

Name: martin guadiana

Title: mr

Organization/Artist Name: universidad de monterrey

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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*David Gerald Sutton*

themodernviolinist@gmail.com, Nov 23 '15 ip: 107.2.115.240

Signature:

Name: David Gerald Sutton

Title: Electronic Violinist/Worship Music Director

Organization/Artist Name: David Gerald Sutton

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: contact@lucidfly.com, Nov 23 '15 ip: 24.24.189.184

Name: Nikki Stransky

Title: Musician

Organization/Artist Name: Lucid Fly

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: kalliemarie@gmail.com, Nov 23 '15 ip: 108.14.191.63

Name: Kallie Marie

Title: Composer/Producer/Lecturer

Organization/Artist Name: Kallie Marie/ Explosives For Her Majesty

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: andrei@romcreativ.ro, Nov 23 '15 ip: 79.115.183.58

Name: Andrei Georgescu

Title: Mr

Organization/Artist Name: None

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Signature: drewboles@gmail.com, Nov 23 '15 ip: 76.175.53.231

Name: Drew Boles

Title: composer/performer

Organization/Artist Name: Drew Boles

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: nolongershort@hotmail.com, Nov 23 '15 ip: 81.106.52.144

Name: Kimmi dallimore

Title: Miss

Organization/Artist Name: .

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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12. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: kassandra.bry@gmail.com, Nov 23 '15 ip: 76.106.123.84

Name: Kassandra D Bryant

Title: Adoring fan

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

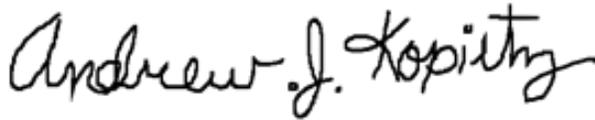
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: andy@gooddonedaily.com, Nov 23 '15 ip: 50.247.19.202

Name: Andrew J Kopietz

Title: Principal/Sr. Designer

Organization/Artist Name: Good Done Daily

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

A handwritten signature in black ink, appearing to be 'J Hook', with a horizontal line extending to the right.

Signature: jasonjhook@gmail.com, Nov 23 '15 ip: 82.1.12.131

Name: Jason Hook

Title: Mr

Organization/Artist Name: Myself

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for comments for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: isaacgfrank@gmail.com, Nov 23 '15 ip: 50.193.214.1

Name: Isaac Geo Frank

Title: Owner

Organization/Artist Name: IGeo Productions

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Alexandre Gil Mendes Reis*

alexgireis@hotmail.com, Nov 23 '15 ip: 188.81.72.10

Signature:

Name: Alexandre Gil Mendes Reis

Title: Mr .

Organization/Artist Name: Alex Reis

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: mcgary@ondaweb.com, Nov 23 '15 ip: 71.164.172.66

Name: MIKE MCGARY

Title: VP

Organization/Artist Name: AVACATA , INC .

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: lakangbini@gmail.com, Nov 23 '15 ip: 66.91.83.170

Name: Cindy Ramirez

Title: Music consumer

Organization/Artist Name: NA

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Signature: bhmceachern@gmail.com, Nov 23 '15 ip: 142.166.161.226

Name: Brittany McEachern

Title: Independent Artist

Organization/Artist Name: Whisper Roaring

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: mattgriffith@gmail.com, Nov 23 '15 ip: 62.232.108.114

Name: Matt Griffith

Title: Mr

Organization/Artist Name: .

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: editor@melographic.co.uk, Nov 23 '15 ip: 31.80.151.189

Name: Allan James

Title: Mr

Organization/Artist Name: Melographic

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: ceciliekamp@gmail.com, Nov 23 '15 ip: 130.225.198.201

Name: Cecilie Kamp

Title: Student

Organization/Artist Name: ?

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

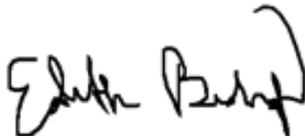
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: ehopeb@gmail.com, Nov 23 '15 ip: 174.21.169.29

Name: Edith Bishop

Title: Ms .

Organization/Artist Name: None

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: cityroaste@gmail.com, Nov 23 '15 ip: 98.28.138.221

Name: Ryan Box

Title: Supporting Fair Trade Music

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: storytoldloren@gmail.com, Nov 24 '15 ip: 166.171.251.166

Name: Loren Groves

Title: Product manager

Organization/Artist Name: Google

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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*Kevin Palmer*

Signature: kevio4real@gmail.com, Nov 23 '15 ip: 107.92.62.47

Name: Kevin Palmer

Title: Musician

Organization/Artist Name: Velocity of Tears

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jashonbell@gmail.com, Nov 23 '15 ip: 170.115.248.21

Name: Jashon Bell

Title: Guitarist

Organization/Artist Name: Paper Machines

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Signature: dan.desjardins@redactive.com, Nov 23 '15 ip: 71.13.247.10

Name: Daniel P. Desjardins

Title: Director

Organization/Artist Name: Videstra, LLC (Wisconsin - USA)

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jorgen.kann@gmail.com, Nov 24 '15 ip: 84.215.8.10

Name: Jørgen Kann

Title: Web Developer @ Dogmatic Web Development

Organization/Artist Name: On behalf of Ullsokk

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: levi@leviwhalen.com, Nov 24 '15 ip: 24.19.26.21

Name: Levi Whalen

Title: Music Producer

Organization/Artist Name: Levi Whalen

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jeanphilipbouchard@gmail.com, Nov 23 '15 ip: 24.114.255.88

Name: Jean-Philip Bouchard

Title: Program Manager

Organization/Artist Name: N/a

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: djalonsoc@gmail.com, Nov 23 '15 ip: 173.11.149.35

Name: Daniel Alonso

Title: Application Developer / Analyst

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

A handwritten signature in black ink, appearing to read 'Megan', with a vertical line extending downwards from the end of the signature.

Signature: megmehell@yahoo.com, Nov 23 '15 ip: 68.0.51.207

Name: Megan

Title: Person

Organization/Artist Name: Self

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jamilagrimshaw@yahoo.com, Nov 24 '15 ip: 2.101.201.59

Name: Jamila Grimshaw

Title: Student

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

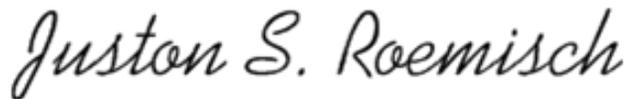
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: juston@roemisch.com, Nov 24 '15 ip: 107.192.159.222

Name: Juston Roemisch

Title: Mr

Organization/Artist Name: Na

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: jonathanblairwright@me.com, Nov 23 '15 ip: 81.155.27.55

Name: Jonathan B Wright

Title: Mr

Organization/Artist Name: 432 Silverstream

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

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

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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Signature: matthew.williams0@googlemail.com, Nov 23 '15 ip: 213.205.252.248

Name: Matthew Williams

Title: Mr .

Organization/Artist Name: Jinjabread

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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Keri Mears*

Signature: flip750523@gmail.com, Nov 23 '15 ip: 162.199.35.81

Name: Keri Mears

Title: N/a

Organization/Artist Name: Imogen heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

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Signature: coutin.dan@gmail.com, Nov 23 '15 ip: 45.47.153.119

Name: Dan coutin

Title: mr

Organization/Artist Name: dan coutin

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: cazzal@mac.com, Nov 23 '15 ip: 86.26.183.66

Name: Caroline Bonnett

Title: Miss

Organization/Artist Name: soundhouse

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Signature: danielcharlestooone@mail.com, Nov 23 '15 ip: 213.205.252.91

Name: Daniel Charles Toone

Title: Mr

Organization/Artist Name: thevillainandi

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
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4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Sean R. Galloway*

Signature: sgalloway525@hotmail.com, Nov 24 '15 ip: 70.215.131.176

Name: Sean R. Galloway

Title: Musician

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: info@counter-communications.com, Nov 23 '15 ip: 71.93.219.176

Name: Chris Wirsig

Title: MR

Organization/Artist Name: Chris Wirsig, no:carrier, Virtual Conformity, Counter Communications LLC

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

Signature: kevin@tostieproductions.com, Nov 23 '15 ip: 24.165.95.233

Name: Kevin Tostado

Title: President

Organization/Artist Name: Tostie Productions, LLC

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: seant@fastmail.fm, Nov 23 '15 ip: 171.96.246.162

Name: Sean Thompson

Title: Musician, Composer, Audio Engineer, NAMM Member

Organization/Artist Name: Sean Thompson

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Amelia Mader*

Signature: akmtunes@gmail.com, Nov 23 '15 ip: 166.170.55.85

Name: Amelia Mader

Title: Musician

Organization/Artist Name: Amelia Mader

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

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Signature: kjq19425@gmail.com, Nov 24 '15 ip: 31.55.34.2

Name: Kevin Quigley

Title: Mr .

Organization/Artist Name: SOAS

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

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<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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Signature: preserveart@gmail.com, Nov 23 '15 ip: 99.139.161.125

Name: Leslie Davis

Title: Owner Manager

Organization/Artist Name: Preservation Framing

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

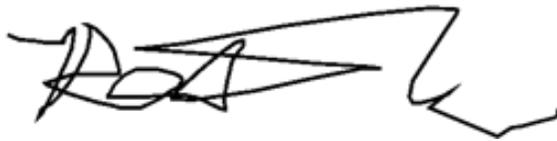
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

A handwritten signature in black ink, appearing to read 'Robert Hess', with a stylized flourish at the end.

Signature: rohess20@gmail.com, Nov 23 '15 ip: 71.47.185.173

Name: Robert Hess

Title: Director

Organization/Artist Name: See How Life Works

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Signature: dougc84@gmail.com, Nov 23 '15 ip: 74.110.142.31

Name: Doug Clark

Title: Web Developer

Organization/Artist Name: self

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

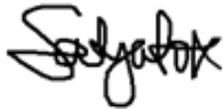
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: satyafox@gmail.com, Nov 23 '15 ip: 81.108.26.43

Name: Satya Fox

Title: MS

Organization/Artist Name: Satya Fox

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: ollie@oliverkuster.com, Nov 22 '15 ip: 82.25.68.31

Name: Oliver Kuster

Title: Mr

Organization/Artist Name: n/a

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Victor Brueggemann*

Signature: dukedrake@earthlink.net, Nov 24 '15 ip: 67.174.60.190

Name: Victor Brueggemann

Title: n/a

Organization/Artist Name: n/a

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jcasicol088@gmail.com, Nov 23 '15 ip: 70.6.178.246

Name: FJ Cosico

Title: Head guy

Organization/Artist Name: Wooooomb

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
Christine Willett, ICANN Vice-President of gTLD Operations;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: martin.koressaar@gmail.com, Nov 23 '15 ip: 90.191.133.179

Name: Martin-Eero Kõressaar

Title: Student/Musician

Organization/Artist Name: Eero

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

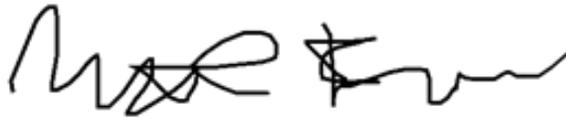
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: tinycg@gmail.com, Nov 23 '15 ip: 173.48.111.183

Name: Matt Edmunds

Title: Designer

Organization/Artist Name: Supporting Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: allanf.ferreira@gmail.com, Nov 23 '15 ip: 177.131.176.4

Name: Allan Fernandes Ferreira

Title: Support

Organization/Artist Name: Vigoran Artis

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

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<sup>19</sup> <http://www.afilias.info/about-us>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: shantimcginley@gmail.com, Nov 23 '15 ip: 66.241.82.88

Name: Shanti McGinley

Title: Singer

Organization/Artist Name: Shanti McGinley

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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Signature: keithpp@hotmail.com, Nov 23 '15 ip: 92.40.37.86

Name: Keith Parkins

Title: Mr

Organization/Artist Name: keithpp

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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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

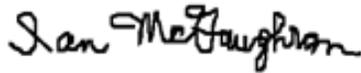
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: endlessrepeat@gmail.com, Nov 23 '15 ip: 69.250.234.23

Name: Ian McGaughran

Title: Mr .

Organization/Artist Name: none

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: info@indiesuisse.ch, Nov 23 '15 ip: 80.219.16.11

Name: Andreas Ryser

Title: President

Organization/Artist Name: IndieSuisse

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: info@ikarusmusic.com, Nov 23 '15 ip: 213.162.68.238

Name: Wolfgang Stindl

Title: Mag.

Organization/Artist Name: Ikarus

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

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*Chromer Smith*

Signature: chromersmith@gmail.com, Nov 24 '15 ip: 24.21.160.181

Name: Chromer Smith

Title: Data architect

Organization/Artist Name: Sfdc

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Renan Pisi T Moura*

Signature: renanpisi@hotmail.com, Nov 23 '15 ip: 201.69.62.75

Name: Renan Pisi Teixeira Moura

Title: Graphic Designer

Organization/Artist Name: Renan Pisi

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for comments for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: alexanderryanthompson@gmail.com, Nov 24 '15 ip: 70.210.7.13

Name: Alexander Ryan Thompson

Title: Mr

Organization/Artist Name: Fourth Shift

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

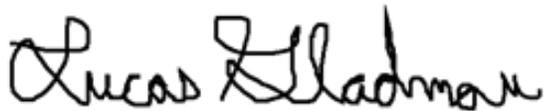
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: lucas.gladman@gmail.com, Nov 24 '15 ip: 99.54.100.229

Name: Lucas Gladman

Title: Human

Organization/Artist Name: Brigadier

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

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Signature: scott.oleary@gmail.com, Nov 23 '15 ip: 68.204.58.72

Name: Scott O'Leary

Title: Musician

Organization/Artist Name: Fido's Hydrant

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: daynerwahl@yahoo.com, Nov 23 '15 ip: 96.240.238.95

Name: Dayne Wahl

Title: Supporter

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

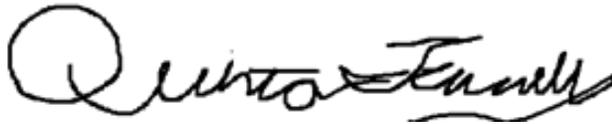
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: muramasa490@gmail.com, Nov 23 '15 ip: 65.80.201.144

Name: Quinton Fussell

Title: Strong Supporter

Organization/Artist Name: Imogen Heap.

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: dave@creative-mixing.com, Nov 22 '15 ip: 86.158.198.2

Name: Dave Sunerton-Burl

Title: Mr

Organization/Artist Name: Strange & Delicious

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: kathyjantzen@hotmail.com, Nov 23 '15 ip: 173.165.240.205

Name: Kathy Jantzen

Title: None

Organization/Artist Name: None

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

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

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

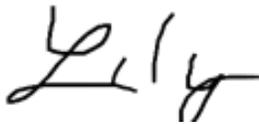
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Signature: momo91407@gmail.com, Nov 23 '15 ip: 66.190.135.105

Name: Lily

Title: Student

Organization/Artist Name: Lily Hofer

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

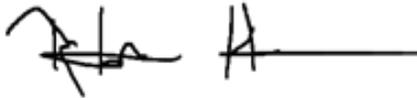
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

A handwritten signature in black ink, appearing to read 'Rhys Huntley', with a horizontal line extending to the right.

Signature: rhyshuntley89@hotmail.com, Nov 23 '15 ip: 2.123.20.102

Name: Rhys Huntley

Title: Mr

Organization/Artist Name: Rhys Huntley

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

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

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: rvdberg1990@gmail.com, Nov 23 '15 ip: 165.255.188.175

Name: Ray van den Berg

Title: Mr.

Organization/Artist Name: Private

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: beyr@mykolab.ch, Nov 23 '15 ip: 50.200.134.162

Name: Alex Beyr

Title: Recording Engineer

Organization/Artist Name: Heliotropic

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: divasonic@gmail.com, Nov 23 '15 ip: 71.177.193.72

Name: Lynda Arnold

Title: Artist/Producer

Organization/Artist Name: Divasonic Music & Sound

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: dizzybanjo@gmail.com, Nov 23 '15 ip: 87.74.72.47

Name: R Thomas

Title: Mr

Organization/Artist Name: None

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Michael S. Love*

Signature: love2u@rocketmail.com, Nov 23 '15 ip: 99.16.93.79

Name: Michael S. Love

Title: Music Consumer

Organization/Artist Name: Self

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: seanryanholden@gmail.com, Nov 23 '15 ip: 63.127.233.4

Name: Sean Ryan Holden

Title: Singer-Songwriter

Organization/Artist Name: Sean Ryan

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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12. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: grant.haley@yahoo.com, Nov 23 '15 ip: 97.119.166.161

Name: Haley Grant

Title: NA

Organization/Artist Name: NA

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: andreasholling@gmail.com, Nov 24 '15 ip: 109.91.242.124

Name: Andreas Holling

Title: MD

Organization/Artist Name: TotalTonal

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: juniperasia@yahoo.com, Nov 23 '15 ip: 166.176.186.209

Name: Chris Cline

Title: Mister

Organization/Artist Name: Imogen Heap

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<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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Signature: kfridley@live.com, Nov 23 '15 ip: 69.54.49.118

Name: Kristen Fridley

Title: n/a

Organization/Artist Name: Imogen Heap

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

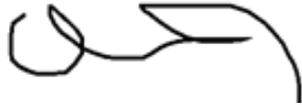
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: alexk771@bellsouth.net, Nov 24 '15 ip: 24.167.177.4

Name: Alexandra Krikshtanas

Title: Ms .

Organization/Artist Name: Imogen heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jasneal@aol.com, Nov 23 '15 ip: 104.34.67.14

Name: James Neal

Title: Owner

Organization/Artist Name: James Neal & Associates

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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Christine Willett, ICANN Vice-President of gTLD Operations;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: dubois.jeremie@icloud.com, Nov 23 '15 ip: 178.198.56.104

Name: Jeremie L. Dubois

Title: Mr.

Organization/Artist Name: Fri-Son, Fribourg, Switzerland

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: 1jhost1@gmail.com, Nov 23 '15 ip: 50.153.178.198

Name: Jason A. Robertson

Title: Mr .

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: carolyn.kirkpatrick13@gmail.com, Nov 23 '15 ip: 194.168.223.170

Name: Carolyn Kirkpatrick

Title: Miss

Organization/Artist Name: Fan

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

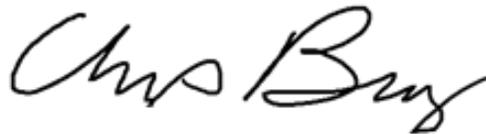
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Fadi Chehadé, ICANN President & CEO;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: chipbray@yahoo.com, Nov 23 '15 ip: 199.245.85.147

Name: Chip Bray

Title: Musician

Organization/Artist Name: Flyboys

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: richardwelsby123@live.com, Nov 23 '15 ip: 85.95.121.80

Name: Richard Welsby

Title: MR

Organization/Artist Name: Richard Welsby

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

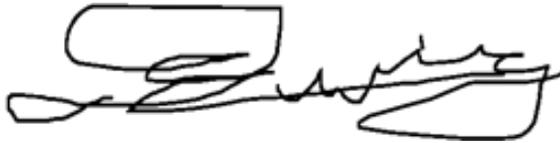
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: daledewing@gmail.com, Nov 23 '15 ip: 24.85.212.102

Name: Dale

Title: Listener

Organization/Artist Name: Imogen

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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12. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

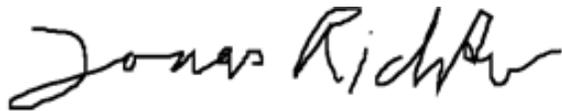
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jrichte5@gwdg.de, Nov 23 '15 ip: 134.76.182.218

Name: Jonas Richter

Title: MA

Organization/Artist Name: Jonas Richter

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: artista760@yahoo.com, Nov 23 '15 ip: 104.185.185.6

Name: Roderick Gallegos

Title: Musician and Sound Engineer

Organization/Artist Name: Allied Music Productions

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: pennyclarke@pennyclarke.com, Nov 23 '15 ip: 82.15.112.234

Name: Penny Clarke

Title: Mrs

Organization/Artist Name: Penny Clarke

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for comments for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Mikko Kierikki*

Signature: mikko.kierikki@gmail.com, Nov 23 '15 ip: 85.76.53.44

Name: Mikko Kierikki

Title: Producer

Organization/Artist Name: Kierikki

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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[result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392), 20a

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

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Signature: vikash.mishra@gmail.com, Nov 23 '15 ip: 97.122.168.6

Name: Vikash Mishra

Title: Owner/Founder, Hierophony Music

Organization/Artist Name: Self

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: josh.gordon1985@gmail.com, Nov 23 '15 ip: 184.171.213.39

Name: Joshua Gordon

Title: Artist/Producer

Organization/Artist Name: Joshua Gordon Music

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

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Signature: annagrogan@hotmail.co.uk, Nov 23 '15 ip: 46.233.116.51

Name: Anna Grogan

Title: Miss

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jeremy@westernfrontmusic.com, Nov 23 '15 ip: 104.175.35.75

Name: Jeremy Hammond

Title: Manager

Organization/Artist Name: Western Front Music

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

A handwritten signature in black ink that reads "DOUGLAS CRAIG". The letters are slightly irregular and slanted, typical of a casual handwritten signature.

Signature: bminc@aol.com, Nov 23 '15 ip: 98.238.78.161

Name: Douglas Craig

Title: Record producer

Organization/Artist Name: Douglas Craig

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

A handwritten signature in black ink that reads "Gregory Russell". The signature is written in a cursive style with a large, stylized initial "G".

Signature: gjerussell@gmail.com, Nov 23 '15 ip: 104.142.118.177

Name: Gregory Russell

Title: Music Lover

Organization/Artist Name: Human

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

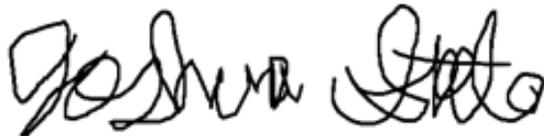
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: joshua.caleb.steele@gmail.com, Nov 23 '15 ip: 209.147.144.14

Name: Joshua Steele

Title: EIT

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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Cherine Chalaby, ICANN Chair of the New gTLD Committee;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

A handwritten signature in black ink that reads "Brooke Solorio". The signature is written in a cursive, slightly slanted style.

Signature: brookesolorio@gmail.com, Nov 23 '15 ip: 24.10.167.172

Name: Brooke Solorio

Title: Imogen Heap

Organization/Artist Name: Brooke Solorio

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for comments for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: carolmays@gmail.com, Nov 23 '15 ip: 68.134.12.39

Name: carol mays

Title: none

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Katherine Bowman*

Signature: yarnlover8@hotmail.com, Nov 23 '15 ip: 98.156.54.151

Name: Katherine Bowman

Title: Miss

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: leo.z@extra.co.nz, Nov 23 '15 ip: 125.237.12.251

Name: leo zalkalns

Title: mr

Organization/Artist Name: tbcu

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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Signature: abrannen@hotmail.co.uk, Nov 23 '15 ip: 82.132.219.98

Name: Alice Brannen

Title: Ms

Organization/Artist Name: Imogen Heap

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

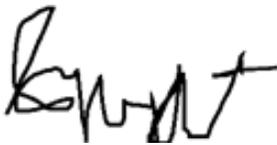
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: clnngnt42@gmail.com, Nov 23 '15 ip: 188.222.200.99

Name: Colin Nugent

Title: Mr

Organization/Artist Name: n/a

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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*Rowan Smith*

Signature: dj\_triquatra@msn.com, Nov 23 '15 ip: 109.159.113.133

Name: Rowan Smith

Title: Mr

Organization/Artist Name: Triquatra

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

Signature: ross@electrickiwi.co.uk, Nov 23 '15 ip: 82.17.84.47

Name: Ross Barber

Title: Founder

Organization/Artist Name: Electric Kiwi

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

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*Mariana Tiemi Kinjo*

m.tiemik@gmail.com, Nov 23 '15 ip: 177.140.119.1

Signature:

Name: Mariana Tiemi Kinjo

Title: Fan

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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Cherine Chalaby, ICANN Chair of the New gTLD Committee;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: grismar@grismar.net, Nov 23 '15 ip: 83.85.87.147

Name: Jaap van der Velde

Title: n/a

Organization/Artist Name: n/a

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: nickpiantedosi@gmail.com, Nov 23 '15 ip: 24.130.138.185

Name: Nicholas Piantedosi

Title: Producer

Organization/Artist Name: Decap Music LLC

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: leon@isylum.org, Nov 23 '15 ip: 68.40.154.62

Name: Leon Shaner

Title: Influencer

Organization/Artist Name: PanEclectic

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Signature: christophe.duquesne@aurigetech.com, Nov 23 '15 ip: 212.73.177.242

Name: Christophe Duquesne

Title: Owner

Organization/Artist Name: Aurige

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: ctleatherbear@gmail.com, Nov 23 '15 ip: 71.192.177.45

Name: john stewart

Title: Mr .

Organization/Artist Name: imogen heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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12. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: p2piper@gmail.com, Nov 23 '15 ip: 71.173.86.60

Name: Pat Piper

Title: Director of Digital Media

Organization/Artist Name: Kutztown University Foundation

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Aaron Arntson*

Signature: ada1958@gmail.com, Nov 23 '15 ip: 172.88.83.238

Name: Aaron Arntson

Title: Music enthusiast

Organization/Artist Name: Immogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: jebus750@yahoo.com, Nov 23 '15 ip: 50.77.223.217

Name: Nicholas Stewart

Title: Musician

Organization/Artist Name: Nicholas Stewart

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Signature: derek.beasley@gmail.com, Nov 23 '15 ip: 98.245.221.192

Name: Derek Beasley

Title: Owner

Organization/Artist Name: `Simteksmusic.com`

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: cgipson1@yahoo.com, Nov 23 '15 ip: 108.33.112.253

Name: Charles Gipson

Title: Mr .

Organization/Artist Name: Self

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: ralph\_grech@hotmail.com, Nov 23 '15 ip: 46.11.97.47

Name: Ralph Grech

Title: Musicians Identity

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: rweinhold62@hotmail.com, Nov 24 '15 ip: 60.234.94.17

Name: Robert Weinhold

Title: Mr

Organization/Artist Name: Azrazael

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: lindsaystevenson@gmail.com, Nov 23 '15 ip: 71.75.123.228

Name: Lindsay Stevenson

Title: Consultant

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

PAUL DWYER

Signature: paul.dwyer@gmail.com, Nov 23 '15 ip: 24.207.105.162

Name: Paul Dwyer

Title: Composer

Organization/Artist Name: minimus rex

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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*Dale Edward Chung*

chungoboogie@gmail.com, Nov 23 '15 ip: 172.3.190.184

Signature:

Name: Dale Edward Chung

Title: Owner

Organization/Artist Name: 10th & Clay Records

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>3</sup> <http://music.us/events>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: mmahan40@yahoo.com, Nov 23 '15 ip: 71.232.12.206

Name: Matt mahan

Title: Mr

Organization/Artist Name: Matt mahan

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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12. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: info@courypalermo.com, Nov 23 '15 ip: 166.172.58.229

Name: Robert C Palermo

Title: Musician

Organization/Artist Name: Coury Palermo

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

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John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

A handwritten signature in black ink, appearing to read 'Chris Tonks', written over a horizontal line.

Signature: chris.tonks@greyfusion.net, Nov 23 '15 ip: 62.232.64.242

Name: Chris Tonks

Title: Director

Organization/Artist Name: Grey Fusion Studios

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: rcriisp2112@gmail.com, Nov 23 '15 ip: 74.179.166.113

Name: Robert Crisp

Title: Musician

Organization/Artist Name: Anome

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*Jocelino Rodrigues*

Signature: j.rodrigues1234@hotmail.com, Nov 23 '15 ip: 137.222.95.15

Name: Jocelino Rodrigues

Title: Mr .

Organization/Artist Name: Imogen Heap

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<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: salahuddin93@hotmail.co.uk, Nov 23 '15 ip: 109.175.190.192

Name: Mohammad Salahuddin

Title: Mr .

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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*Adriana Marks*

Signature: adriana\_marks@hotmail.com, Nov 23 '15 ip: 109.147.5.67

Name: Adriana Marks

Title: Mrs

Organization/Artist Name: Independent

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: blackstone.sarah@gmail.com, Nov 23 '15 ip: 82.22.128.125

Name: Sarah

Title: Miss

Organization/Artist Name: Freelance

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

Signature: christa@lumry.com, Nov 23 '15 ip: 73.220.178.221

Name: Christa Lumry

Title: Owner

Organization/Artist Name: Muse Juice Media

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: kevin.broloes@gmail.com, Nov 23 '15 ip: 94.191.188.144

Name: Kevin Broløs

Title: BSc .

Organization/Artist Name: Leafdrop

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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Thomas Schneider, ICANN Chair of Government Advisory Committee;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: shae911@gmail.com, Nov 23 '15 ip: 196.2.99.3

Name: Shae

Title: ms

Organization/Artist Name: PVT

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: rm1618@gmail.com, Nov 23 '15 ip: 68.8.1.165

Name: Rosa Munsey

Title: Ms .

Organization/Artist Name: Imogene Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: ronslabe@sbcglobal.net, Nov 23 '15 ip: 66.61.91.207

Name: Ron Slabe

Title: King

Organization/Artist Name: Pyrosonic

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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: timothybhewittesq@yahoo.com, Nov 24 '15 ip: 108.180.164.2

Name: Tim Hewitt

Title: Me

Organization/Artist Name: Timothy B Hewitt

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Cherine Chalaby, ICANN Chair of the New gTLD Committee;  
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John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: joel@outoffavorboys.com, Nov 23 '15 ip: 141.218.237.192

Name: Joel KRauss

Title: Vocalist/Marketing Dept.

Organization/Artist Name: Out of Favor Boys

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

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Signature: dustinjginn@gmail.com, Nov 23 '15 ip: 198.101.95.162

Name: Dustin Ginn

Title: Worship Pastor

Organization/Artist Name: Covina Assembly

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for comments for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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Cherine Chalaby, ICANN Chair of the New gTLD Committee;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: nic916@aol.com, Nov 23 '15 ip: 73.190.92.170

Name: Marci Addy

Title: MS

Organization/Artist Name: None

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: jnylon@gmail.com, Nov 24 '15 ip: 83.195.115.202

Name: Mme Judith A. Niland

Title: Artist Entrepreneur

Organization/Artist Name: Judy Nylon

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

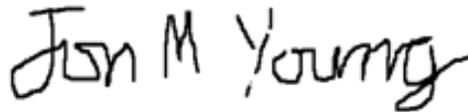
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: sonicsculpture@gmail.com, Nov 23 '15 ip: 74.179.193.175

Name: Jon M Young

Title: President, Engineer/Producer

Organization/Artist Name: Sonic Sculpture Incorporated

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

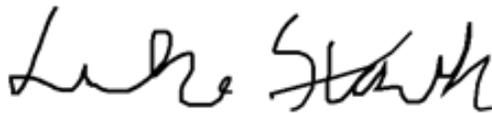
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: info@lukestark.com, Nov 23 '15 ip: 108.20.195.8

Name: Luke Stark

Title: Owner/creator

Organization/Artist Name: Luke Stark

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: matt.stanley@outlook.com, Nov 23 '15 ip: 195.69.95.234

Name: Matt Stanley

Title: N/A

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Mark E. McTaggart*

Signature: gettinfaced@yahoo.ca, Nov 23 '15 ip: 173.206.205.93

Name: Mark E. McTaggart

Title: Head Honcho

Organization/Artist Name: Independent

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

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<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
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[result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392), 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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Christine Willett, ICANN Vice-President of gTLD Operations;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jefreejon@hotmail.com, Nov 23 '15 ip: 208.124.242.62

Name: Jeffery John Lyon

Title: CEO

Organization/Artist Name: Jef3jon/Jefreejon

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: chloejuliette@live.co.uk, Nov 23 '15 ip: 92.236.153.0

Name: Chloe Juliette

Title: Miss

Organization/Artist Name: Chloe Juliette

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: yveees@gmail.com, Nov 23 '15 ip: 106.133.123.22

Name: Yves Racine

Title: Teacher

Organization/Artist Name: Art Lingual

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: trekopepinator@gmail.com, Nov 23 '15 ip: 32.218.47.0

Name: Patrick D Belanger

Title: Mr .

Organization/Artist Name: OverbyteCreations/Treko pep

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: fearsend@gmail.com, Nov 23 '15 ip: 108.233.72.175

Name: Eric Scott McClure

Title: Songwriter/musician

Organization/Artist Name: Elevate The Sky

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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Christine Willett, ICANN Vice-President of gTLD Operations;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: ashlee\_salmoms@hotmail.com, Nov 23 '15 ip: 68.150.208.93

Name: Ashlee Salmoms

Title: Mrs .

Organization/Artist Name: LGFG Fashion House

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

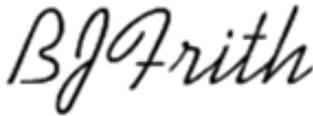
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Signature: yodamandala@hotmail.co.uk, Nov 23 '15 ip: 86.19.109.77

Name: Bradley John Frith

Title: Mr

Organization/Artist Name: yodamandala/betamanuensis

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

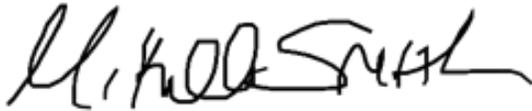
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: mikellesmith@yahoo.com, Nov 23 '15 ip: 98.28.120.13

Name: Mikelle Smith

Title: Community supporter

Organization/Artist Name: Immogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: naderchehab@gmail.com, Nov 24 '15 ip: 73.231.172.219

Name: Nader Chehab

Title: Software Engineer

Organization/Artist Name: Own

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: tristanhorton@me.com, Nov 23 '15 ip: 41.146.199.179

Name: Tristan Horton

Title: Mr

Organization/Artist Name: Arcadia Sound

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

A handwritten signature in black ink, appearing to read 'Erik Williams', with a long horizontal line extending to the right.

Signature: ewilliams8674@gmail.com, Nov 23 '15 ip: 207.228.78.77

Name: Erik Williams

Title: Musician

Organization/Artist Name: Slander Musik Inc/Erik Michael

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: dj.fenix@gmail.com, Nov 23 '15 ip: 31.106.192.170

Name: Lee thorpe

Title: Mr

Organization/Artist Name: Turn back to spring

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Signature: jordanwoite@gmail.com, Nov 23 '15 ip: 166.175.60.56

Name: Jordan Woiteshek

Title: Associate Director of Student Ministries

Organization/Artist Name: Grace Church

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: rapepin@videotron.ca, Nov 22 '15 ip: 24.202.37.236

Name: Raphaël Pépin

Title: Singer/songwriter

Organization/Artist Name: Raphaël Sacha

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>19</sup> <http://www.afilias.info/about-us>

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Signature: ivazuka@gmail.com, Nov 23 '15 ip: 108.51.229.225

Name: Iliana Vazuka

Title: N/a

Organization/Artist Name: Imogen Heap

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*David Rosenfelder*

Signature: david.rosenfelder@gmail.com, Nov 24 '15 ip: 98.183.184.241

Name: David Rosenfelder

Title: Music lover

Organization/Artist Name: Music belongs to the artists!

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: info@nuborg.com, Nov 23 '15 ip: 84.215.36.190

Name: Gunhild Nyborg

Title: CEO

Organization/Artist Name: NuBorg/Different Sound

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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[result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392), 20a

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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*Patrick McPherson*

Signature: patrickwmcpherson@gmail.com, Nov 24 '15 ip: 97.99.20.67

Name: Patrick McPherson

Title: . . .

Organization/Artist Name: Imogen Heap

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: armin.metz@gmx.de, Nov 24 '15 ip: 84.158.237.62

Name: Armin Metz

Title: Musician

Organization/Artist Name: Armin Metz

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

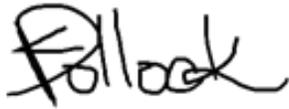
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: kendrapollock@gmail.com, Nov 23 '15 ip: 70.36.195.100

Name: Kendra pollock

Title: President of the board

Organization/Artist Name: Marin girls chorus

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: greendriveproductions@gmail.com, Nov 22 '15 ip: 98.244.180.99

Name: Jonathan Jackson

Title: Musician

Organization/Artist Name: Jon Jackson

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

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Signature: jos@teleguys.com, Nov 23 '15 ip: 109.202.158.21

Name: Jon Schøpzinsky

Title: Developer

Organization/Artist Name: Jon Schøpzinsky

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: moviecraz13@yahoo.com, Nov 24 '15 ip: 45.56.22.230

Name: Stephanie Johnson

Title: Mrs .

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music Policy and Copyright Infringement Dispute Resolution Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Quynh-Anh Nguyen-Xuan*

ganx13@yahoo.de, Nov 23 '15 ip: 77.1.152.217

Signature:

Name: Quynh-Anh Nguyen-Xuan

Title: Ms

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: tarynduchemin@gmail.com, Nov 23 '15 ip: 24.63.4.52

Name: Taryn Duchemin

Title: Ms .

Organization/Artist Name: Xirafina

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: rr\_theseeker@hotmail.com, Nov 23 '15 ip: 68.149.87.93

Name: Mike G.

Title: Mr.

Organization/Artist Name: none

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

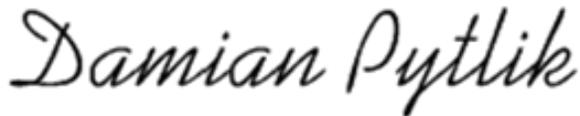
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
Christine Willett, ICANN Vice-President of gTLD Operations;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: damian.pytlik@gmail.com, Nov 24 '15 ip: 83.20.149.236

Name: Damian Pytlik

Title: Mr

Organization/Artist Name: Solitude State

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: spannaintheworks@hotmail.com, Nov 23 '15 ip: 95.149.89.182

Name: Vicki Stone

Title: N/A

Organization/Artist Name: Self

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

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Signature: mckindle@hotmail.com, Nov 23 '15 ip: 80.194.109.189

Name: Ryan McKindle

Title: Mr

Organization/Artist Name: n/a

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jamesabrahart@gmail.com, Nov 24 '15 ip: 166.170.45.171

Name: James Abrahart

Title: Songwriter

Organization/Artist Name: Jayded Ink Music

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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A handwritten signature in black ink, appearing to read 'G Leeming', with a long horizontal line extending to the right.

Signature: georgeleeming@hotmail.com, Nov 22 '15 ip: 90.207.214.80

Name: George Leeming

Title: Mr .

Organization/Artist Name: Wilderness Hymnal / Black Earth Recordings

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: info@umutermec.com, Nov 23 '15 ip: 24.103.33.253

Name: Umut Ermec

Title: Instructor

Organization/Artist Name: Institute of Audio Research

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: sanial@hotmail.co.uk, Nov 23 '15 ip: 78.146.114.47

Name: Sanial McCormick

Title: Mr

Organization/Artist Name: Sanial

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

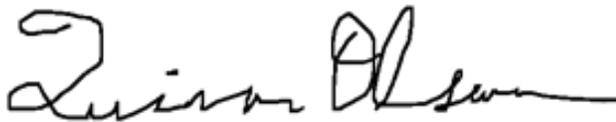
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: golson@gmail.com, Nov 24 '15 ip: 199.119.210.124

Name: Quinn Olson

Title: musician

Organization/Artist Name: Quinn Olson

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jkashley91@yahoo.com, Nov 23 '15 ip: 71.53.120.220

Name: Justin Ashley

Title: Mr

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: orez17@gmail.com, Nov 23 '15 ip: 81.68.165.203

Name: Oren Ziv

Title: Composer

Organization/Artist Name: Orez

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

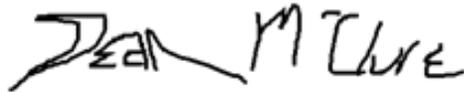
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: deanmclure@gmail.com, Nov 23 '15 ip: 72.94.199.12

Name: dean mcclure

Title: architect

Organization/Artist Name: imogen heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: marc@sansoucie.com, Nov 23 '15 ip: 50.139.102.238

Name: Marc San Soucie

Title: N/A

Organization/Artist Name: Music consumer

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: paul.crudgington@hotmail.co.uk, Nov 23 '15 ip: 109.148.189.71

Name: Paul Crudgington

Title: Music Producer

Organization/Artist Name: Homegroove Music

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

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<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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Signature: ac\_rooster@hotmail.com, Nov 24 '15 ip: 173.33.233.11

Name: Dan Letwin

Title: Musician

Organization/Artist Name: The Acoustic Rooster

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<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: sam@samecoff.com, Nov 23 '15 ip: 24.209.162.98

Name: Samuel W Ecoff

Title: Owner

Organization/Artist Name: Red Rocket Music Publishing

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: amy.borland@gmail.com, Nov 23 '15 ip: 71.81.154.235

Name: Amy Borland

Title: N/A

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: ryan@ryandarton.com, Nov 23 '15 ip: 172.56.39.168

Name: Ryan Darton

Title: Singer Songwriter

Organization/Artist Name: Ryan Darton

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

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Signature: jesse.noordegraaf@gmail.com, Nov 23 '15 ip: 107.179.137.120

Name: Jesse Noordegraaf

Title: Student

Organization/Artist Name: kmcscc

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: rohith.abraham@gmail.com, Nov 23 '15 ip: 45.112.22.188

Name: Rohith Abraham

Title: Producer

Organization/Artist Name: ofRO

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

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Signature:  davidlatinie@yahoo.co.uk, Nov 23 '15 ip: 195.244.164.245

Name: David Latinie

Title: /

Organization/Artist Name: /

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: rrwatters@yahoo.com, Nov 24 '15 ip: 116.87.116.194

Name: Rebecca Watters

Title: Music teacher

Organization/Artist Name: Singapore American School

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Earl Shimabukuro*

Signature: waterdog21@socal.rr.com, Nov 23 '15 ip: 76.170.178.125

Name: Earl Shimabukuro

Title: fan

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: travislb@umich.edu, Nov 23 '15 ip: 68.32.78.198

Name: Travis

Title: Musician

Organization/Artist Name: Earth

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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*Michael Simms*

Signature: simms.m87@gmail.com, Nov 23 '15 ip: 188.29.165.104

Name: Michael Simms

Title: Performer

Organization/Artist Name: Jack Gavin

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: jronamuzik@gmail.com, Nov 23 '15 ip: 23.241.119.81

Name: Jeff Rona

Title: Artist

Organization/Artist Name: Wide Blue Sky, LLC

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: mczerbe@earthlink.net, Nov 24 '15 ip: 73.165.168.238

Name: Michael Zerbe

Title: Artist/Owner

Organization/Artist Name: Michael Zerbe Ceramics

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: drifter.provider@gmail.com, Nov 23 '15 ip: 98.199.198.204

Name: Katherine Armstrong

Title: N/A

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music Policy and Copyright Infringement Dispute Resolution Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: danbowen1982@gmail.com, Nov 23 '15 ip: 76.123.98.77

Name: Daniel Bowen

Title: Mr .

Organization/Artist Name: .

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Harry Clifton Tune III*

cliff.tune@gmail.com, Nov 23 '15 ip: 24.6.239.78

Signature:

Name: Harry Clifton Tune III

Title: Founder

Organization/Artist Name: Playground Composition Studios

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: drhoust@gmail.com, Nov 23 '15 ip: 197.155.61.251

Name: David Houston

Title: Mr

Organization/Artist Name: Ohgod, Shadowfax Entertainment

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: joe\_goggins@hotmail.com, Nov 23 '15 ip: 31.54.105.10

Name: Joe Goggins

Title: N/A

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

Signature: jjonceski@gmail.com, Nov 23 '15 ip: 49.182.148.221

Name: Jasmina Jonceski

Title: Individual

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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12. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: ianshepherd@mac.com, Nov 23 '15 ip: 86.137.97.38

Name: Ian Shepherd

Title: Mastering Engineer

Organization/Artist Name: Mastering Media Ltd

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

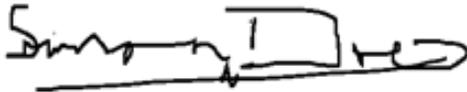
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
Christine Willett, ICANN Vice-President of gTLD Operations;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: simondaviddrew@gmail.com, Nov 23 '15 ip: 87.56.89.17

Name: Simon Drew

Title: Mr

Organization/Artist Name: Private

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: julienjaubert@gmail.com, Nov 23 '15 ip: 84.97.245.2

Name: Julien A. Jaubert

Title: Mr .

Organization/Artist Name: Shkyd

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

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*Amanda Randolph*

Signature: amandaisbell@hotmail.com, Nov 24 '15 ip: 166.176.185.50

Name: Amanda Randolph

Title: N/A

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: nebisa.events@gmail.com, Nov 23 '15 ip: 83.200.254.234

Name: Nebisa

Title: Artist

Organization/Artist Name: Nebisa

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: ronanlg@hotmail.com, Nov 23 '15 ip: 173.178.215.14

Name: Ronan Le Gall

Title: Singer-songwriter, youtuber

Organization/Artist Name: RNN

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: smcgahan@me.com, Nov 24 '15 ip: 174.24.59.11

Name: Samantha McGahan

Title: MS

Organization/Artist Name: Na

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: waxwing80@hotmail.co.uk, Nov 23 '15 ip: 86.134.132.109

Name: Helen Gee

Title: Miss

Organization/Artist Name: crayon physics

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Conor Slater*

Signature: conor.slater@live.ie, Nov 24 '15 ip: 207.164.187.114

Name: Conor Slater

Title: Mr .

Organization/Artist Name: herr

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: jovaneyk@live.com, Nov 22 '15 ip: 14.2.51.97

Name: Josephine van Eyk

Title: Miss

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: stixbruteye@aol.com, Nov 23 '15 ip: 64.222.237.3

Name: Bruce Berger

Title: Musician

Organization/Artist Name: Big Medicine

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>19</sup> <http://www.afilias.info/about-us>

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*Emilia Neuvonen*

Signature: neuvonen.emilia@gmail.com, Nov 23 '15 ip: 93.106.30.139

Name: Emilia Neuvonen

Title: singer-songwriter

Organization/Artist Name: Emilia Chikasa

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>3</sup> <http://music.us/events>

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: f.lc@icloud.com, Nov 23 '15 ip: 27.253.73.176

Name: Ffiona Livingstone Clark

Title: Ms

Organization/Artist Name: Nil

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Signature: kcharlton@gmail.com, Nov 23 '15 ip: 70.65.194.83

Name: Kevin Charlton

Title: Sound Engineer

Organization/Artist Name: Synthetic Productions

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

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<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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Signature: ezasparringa@gmail.com, Nov 23 '15 ip: 84.241.200.29

Name: Ezra Sparringa

Title: Random dude

Organization/Artist Name: None

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: stevenstewartmusic@gmail.com, Nov 23 '15 ip: 93.106.4.28

Name: Steven Stewart

Title: CEO, Conjure Agency

Organization/Artist Name: Steven Stewart

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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*William Garnant*

Signature: williamgarnant@gmail.com, Nov 23 '15 ip: 67.2.250.247

Name: William Garnant

Title: Community Supporter

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*R. Preston Heinlein*

Signature: prestonheinlein@gmail.com, Nov 23 '15 ip: 184.173.166.155

Name: Robert Preston Heinlein

Title: English Language Assistant

Organization/Artist Name: Lycée Pierre Mendès France

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

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Signature: erlundin06@gmail.com, Nov 23 '15 ip: 207.177.103.16

Name: Elanor Rohlck

Title: Band/Choir Teacher and Musician

Organization/Artist Name: Elanor Rohlck

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: martha.elizabeth.diaz@gmail.com, Nov 23 '15 ip: 98.210.109.181

Name: Martha Diaz

Title: None

Organization/Artist Name: None

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music Policy and Copyright Infringement Dispute Resolution Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
Christine Willett, ICANN Vice-President of gTLD Operations;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: marcel303@gmail.com, Nov 23 '15 ip: 185.52.209.2

Name: M. Smit

Title: Dhr .

Organization/Artist Name: Independent

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: world.of.sophia@gmail.com, Nov 23 '15 ip: 95.96.181.252

Name: Nan Yeun

Title: miss

Organization/Artist Name: –

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Juan James Owen*

Signature: juanowen87@gmail.com, Nov 23 '15 ip: 73.2.113.29

Name: Juan Owen

Title: Cosmetologist

Organization/Artist Name: Metropolis Salon

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

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John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

Signature: kristianristimusic@gmail.com, Nov 23 '15 ip: 101.188.48.5

Name: Kristian Risti

Title: Musician

Organization/Artist Name: Kristian Risti

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: jaredmclean@live.com.au, Nov 23 '15 ip: 60.231.49.54

Name: Jared McLean

Title: Mr .

Organization/Artist Name: Red Lane Productions / Penguin Pa

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

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<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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Signature: b.bridgens@gmail.com, Nov 23 '15 ip: 110.22.75.15

Name: Bradley C. Bridgens

Title: Creative Director/Composer

Organization/Artist Name: The Aurorae Initiative

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: danka595@gmail.com, Nov 24 '15 ip: 98.232.39.138

Name: Daniel Kauffman

Title: Partner

Organization/Artist Name: Jessica French

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

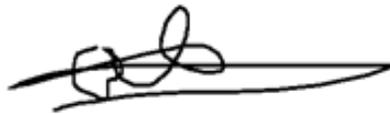
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: aristotle.spam.soul@live.co.uk, Nov 23 '15 ip: 82.11.158.8

Name: Aristotelis Leo Bouras

Title: Mr

Organization/Artist Name: Aristotelis Leo Bouras

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: family.mohr.wil@gmail.com, Nov 24 '15 ip: 90.255.181.126

Name: Wilhelm Mohr

Title: Quality Assurance Technologist

Organization/Artist Name: N/A avid lover of music

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: zakhallett@gmail.com, Nov 23 '15 ip: 73.18.196.5

Name: Zak Hallett

Title: Writer/Director/Editor

Organization/Artist Name: Qualia Creative

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: tipsy\_vii@yahoo.com, Nov 23 '15 ip: 112.198.90.69

Name: Anne V.

Title: Fan

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: nancygrignon@gmail.com, Nov 23 '15 ip: 199.73.114.130

Name: Nancy Grignon

Title: Music lover

Organization/Artist Name: Imogen Heap fan

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*William Mason*

Signature: a54a3cd4@opayq.com, Nov 22 '15 ip: 67.189.70.127

Name: William Mason

Title: Lead Web Developer

Organization/Artist Name: Accessible Internet

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music Policy and Copyright Infringement Dispute Resolution Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

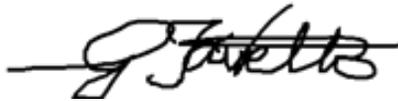
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: gabriella@the.inter.net.au, Nov 23 '15 ip: 121.210.158.225

Name: Gabriella

Title: Miss

Organization/Artist Name: Jade

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: nathan@dub.com.au, Nov 23 '15 ip: 101.179.227.210

Name: Nathan

Title: Mr

Organization/Artist Name: Imogen heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Daniel Lee Chappell*

danchappell193@hotmail.co.uk, Nov 23 '15 ip: 81.99.202.170

Signature:

Name: Daniel Lee Chappell

Title: Mr

Organization/Artist Name: Daniel Lee Chappell

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

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Signature: rudders64@gmail.com, Nov 23 '15 ip: 120.16.112.191

Name: Steven Ruttle

Title: Mr

Organization/Artist Name: None

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jaamesian93@gmail.com, Nov 24 '15 ip: 82.41.194.56

Name: James Martin

Title: Mr

Organization/Artist Name: James Martin

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

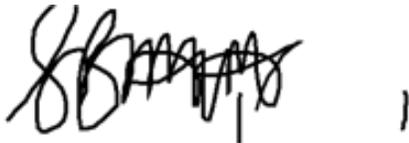
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: twirley33@yahoo.com, Nov 23 '15 ip: 71.71.196.114

Name: Shirley Butterworth

Title: Ms

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jennifer.p.little@gmail.com, Nov 23 '15 ip: 122.111.81.163

Name: Jenni Little

Title: Artist

Organization/Artist Name: Jenni Little

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

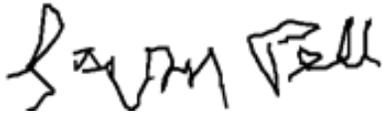
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: spel007@hotmail.com, Nov 23 '15 ip: 174.88.97.96

Name: sam pell

Title: n/a

Organization/Artist Name: richard pell

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>3</sup> <http://music.us/events>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: info@larielmusic.com, Nov 24 '15 ip: 65.200.54.234

Name: Clare McCaffrey

Title: Musician

Organization/Artist Name: L.Ariel

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: emma.n.brown@gmail.com, Nov 23 '15 ip: 73.158.173.31

Name: Emma N. Brown

Title: n/a

Organization/Artist Name: n/a

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>3</sup> <http://music.us/events>

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<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: maize@maizewallin.com, Nov 23 '15 ip: 203.219.194.135

Name: Maize Duffy Wallin

Title: composer

Organization/Artist Name: Maize Wallin

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: zoe\_c\_bryant@hotmail.com, Nov 23 '15 ip: 109.159.106.129

Name: Zoe Bryant

Title: Miss

Organization/Artist Name: N/a

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: lynn.m.vince@gmail.com, Nov 23 '15 ip: 199.112.128.15

Name: Lynn M Vince

Title: Concerned Music Lover

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Signature: gary@muvedesign.com, Nov 23 '15 ip: 58.166.74.40

Name: Gary Hayes

Title: Producer

Organization/Artist Name: MUVEDesign

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

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<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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Signature: margot\_901@hotmail.com, Nov 23 '15 ip: 58.7.68.176

Name: Margot Dunnet

Title: Miss

Organization/Artist Name: Imogen Heap

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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Christine Willett, ICANN Vice-President of gTLD Operations;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: khauresina@yahoo.com.br, Nov 23 '15 ip: 189.103.41.161

Name: Khauã Resina Rodrigues da Silva

Title: Support Letter

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: tahnoburr@live.com, Nov 23 '15 ip: 101.190.183.164

Name: Tahno DeBurr

Title: Mr .

Organization/Artist Name: [www.elephantsandalmonds.net](http://www.elephantsandalmonds.net)

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: bchapman01@gmail.com, Nov 24 '15 ip: 49.196.6.47

Name: Benjamin Chapman

Title: Mr

Organization/Artist Name: In a Sense Innocence

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

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Signature: lordofintent@aol.com, Nov 24 '15 ip: 2.26.130.22

Name: Steve Daly

Title: Mr

Organization/Artist Name: Steve Daly

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Steve Wood*

Signature: sjtwood@gmail.com, Nov 23 '15 ip: 82.17.57.227

Name: Steve Wood

Title: Mr

Organization/Artist Name: –

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: ian@chennell.com, Nov 23 '15 ip: 1.136.96.218

Name: Ian Chennell

Title: Mr

Organization/Artist Name: IT Consultant

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: mingar@the.inter.net.au, Nov 23 '15 ip: 121.210.158.225

Name: Michael Ingvarson

Title: Mr

Organization/Artist Name: Big Hand Productions (Australia)

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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*Adam Green*

Signature: adam1993@gmail.com, Nov 24 '15 ip: 71.9.181.150

Name: Adam Green

Title: Mr .

Organization/Artist Name: Fatal Bloom

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: copperpumpkin@yahoo.com, Nov 24 '15 ip: 99.174.204.115

Name: Jordan Moore

Title: Ms .

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: errorlieshere@hotmail.com, Nov 23 '15 ip: 69.136.93.10

Name: Brian Widmer

Title: Musician

Organization/Artist Name: Double Take band

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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Signature: kannonmcafee@gmail.com, Nov 24 '15 ip: 76.105.240.227

Name: Kannon McAfee

Title: fan

Organization/Artist Name: Imogen Heap

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: heychristopherrogers@gmail.com, Nov 23 '15 ip: 107.107.56.244

Name: Christopher Rogers

Title: Mr .

Organization/Artist Name: sixpaperbirds

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

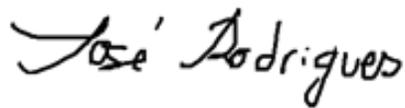
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: josemanuel\_ze@clix.pt, Nov 23 '15 ip: 89.114.165.143

Name: José Manuel Mendonça Rodrigues

Title: Mr .

Organization/Artist Name: folias

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: wisemen757@hotmail.com, Nov 23 '15 ip: 60.225.67.101

Name: Wesley Tan

Title: Artist

Organization/Artist Name: Sophilosia

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

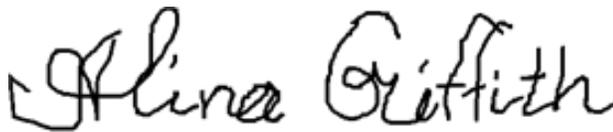
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: estoniagirl@aol.com, Nov 24 '15 ip: 68.16.73.130

Name: Alina Griffith

Title: Ms .

Organization/Artist Name: Alina Skye

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music Policy and Copyright Infringement Dispute Resolution Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: dan@danmastersonmusic.com, Nov 23 '15 ip: 72.248.41.194

Name: Dan Masterson

Title: Owner/Performer

Organization/Artist Name: Dan Masterson Music

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: ckyphil@hotmail.com, Nov 23 '15 ip: 89.16.224.104

Name: Phil Bowman

Title: Editor

Organization/Artist Name: Double Crossed Films

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Daniela Violin*

Signature: violindm@hotmail.com, Nov 23 '15 ip: 99.231.0.75

Name: Daniela Violin

Title: Administrative Assistant

Organization/Artist Name: Riverdale Hub

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for comments for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

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*David Sutherland*

Signature: acousticpop@gmail.com, Nov 23 '15 ip: 67.212.251.87

Name: David Sutherland

Title: Student

Organization/Artist Name: David Allen

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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[result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392), 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: krugere@tcd.ie, Nov 23 '15 ip: 90.193.249.53

Name: Ellen Kruger

Title: Miss

Organization/Artist Name: Ellen Kruger

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: otaranz@hotmail.com, Nov 24 '15 ip: 82.6.185.114

Name: Rob Moore

Title: Mr

Organization/Artist Name: Imogen heap

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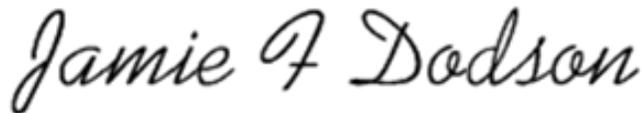
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Signature: jamie@jamiedodsonbooks.com, Nov 23 '15 ip: 155.151.170.31

Name: Jamie Dodson

Title: Writer and Audiobook Artist

Organization/Artist Name: F.A.T. Media

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

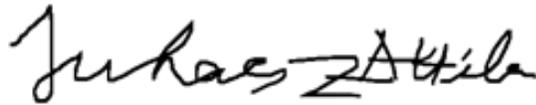
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: vancouver72@freemail.hu, Nov 24 '15 ip: 85.67.189.21

Name: Juhász Attila

Title: Mr .

Organization/Artist Name: Ati Shephard

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: emkap@live.com, Nov 23 '15 ip: 72.223.68.186

Name: Emily Appel

Title: Lover of music

Organization/Artist Name: Friend of Dot Music

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: forestdimension@gmail.com, Nov 23 '15 ip: 121.219.120.115

Name: Steven Spratley

Title: Mr .

Organization/Artist Name: Sven Shade

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Sam Blakeslee*

Signature: nostraightanswer5@gmail.com, Nov 24 '15 ip: 23.122.0.83

Name: Samuel Blakeslee

Title: Composer/Producer

Organization/Artist Name: nostraightanswer

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>3</sup> <http://music.us/events>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: willmead20@hotmail.co.uk, Nov 24 '15 ip: 80.43.116.108

Name: Will Mead

Title: Mr

Organization/Artist Name: Will Mead Music

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

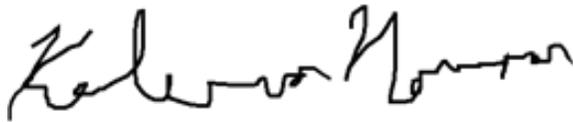
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: kaleena.narwani@gmail.com, Nov 23 '15 ip: 172.56.14.208

Name: Kaleena Narwani

Title: Singer/Songwriter

Organization/Artist Name: Kaleena Rheeya

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: pukalanibound@gmail.com, Nov 23 '15 ip: 72.218.210.15

Name: Meghan Jones

Title: Financial Advisor

Organization/Artist Name: None

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

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Signature: bontonist@me.com, Nov 24 '15 ip: 217.155.196.164

Name: George Constantine

Title: photographer

Organization/Artist Name: bontonist

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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[result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392), 20a

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: karilynnej@gmail.com, Nov 24 '15 ip: 107.188.128.234

Name: Kari Jones

Title: Ms .

Organization/Artist Name: None

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for comments for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: brainofmwd@aol.com, Nov 23 '15 ip: 97.45.131.70

Name: Marshall dodge

Title: Music supporter

Organization/Artist Name: Imogen heap supporter

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<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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*Anna L Weston*

Signature: annaweston55@gmail.com, Nov 23 '15 ip: 66.87.149.83

Name: Anna Weston

Title: none

Organization/Artist Name: none

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: fosentertainment@gmail.com, Nov 23 '15 ip: 24.116.42.110

Name: Jeffrey McSorley Jr.

Title: N/A

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

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Signature: quillan@kyma.net, Nov 24 '15 ip: 50.43.46.18

Name: Quillan Bourassa

Title: Freelance Clarinetist

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: grimessa@hotmail.com, Nov 23 '15 ip: 96.243.242.116

Name: Sylvie Grimes

Title: Mrs .

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

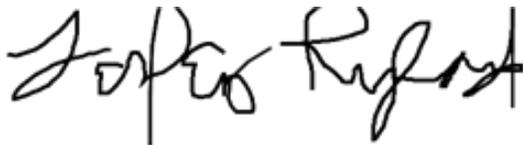
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: lesleyrylandmusic@gmail.com, Nov 23 '15 ip: 71.226.85.88

Name: Lesley Ryland

Title: Lesley Ryland Music

Organization/Artist Name: Lesley Ryland Music

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: afleury@ad-comm.com, Nov 23 '15 ip: 118.6.154.237

Name: Andrew Fleury

Title: n/a

Organization/Artist Name: n/a

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jonasgroves@gmail.com, Nov 23 '15 ip: 104.178.250.249

Name: Jonas Groves

Title: I Support DotMusic

Organization/Artist Name: Oshiin

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: liam.hogan@gmail.com, Nov 23 '15 ip: 220.239.243.105

Name: Liam Hogan

Title: Freelance Musician and Music Teacher

Organization/Artist Name: Liam Hogan

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: walkingshrub@gmail.com, Nov 24 '15 ip: 76.68.144.73

Name: Alexander K. Metcalfe

Title: NA

Organization/Artist Name: Waxlimbs

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>19</sup> <http://www.afilias.info/about-us>

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John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jonahgingerbeard@gmail.com, Nov 23 '15 ip: 64.16.142.90

Name: Jonah Nikouyeh

Title: student

Organization/Artist Name: UNCG

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: arothmanmusic@gmail.com, Nov 23 '15 ip: 70.194.232.174

Name: Andrew Rothman

Title: Musician

Organization/Artist Name: Self / Andrew Rothman

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<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>19</sup> <http://www.afilias.info/about-us>

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Signature: kanu@hopefultragedyrecords.com, Nov 24 '15 ip: 24.226.245.213

Name: Kanuel Charron

Title: Label Representative

Organization/Artist Name: Hopeful Tragedy Records

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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Christine Willett, ICANN Vice-President of gTLD Operations;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: kiva@kivasimova.com, Nov 23 '15 ip: 75.155.179.190

Name: kathryn simova

Title: owner/ artist

Organization/Artist Name: yemyss music/ kiva simova

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

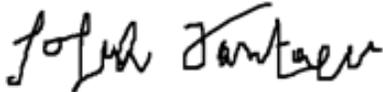
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: sofia.fantacci@gmail.com, Nov 23 '15 ip: 79.52.133.12

Name: sofia fantacci

Title: miss

Organization/Artist Name: imogen heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: britneydyer@gmail.com, Nov 23 '15 ip: 72.146.90.140

Name: Britney Dyer Hill

Title: Dr .

Organization/Artist Name: Dot music

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: crashume@gmail.com, Nov 23 '15 ip: 1.129.96.244

Name: Craig Hume

Title: Mr

Organization/Artist Name: EmuhGiarC

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: joshfirst@gmail.com, Nov 23 '15 ip: 72.130.111.111

Name: Josh Jones

Title: Mr

Organization/Artist Name: Io Renner

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: erinmlopez@gmail.com, Nov 23 '15 ip: 98.247.33.50

Name: Erin M Lopez

Title: Self

Organization/Artist Name: Erin M. Lopez

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Genevieve Mae Aquino*

gm.aquino@gmail.com, Nov 23 '15 ip: 114.108.221.235

Signature:

Name: Genevieve Mae Aquino

Title: Ms .

Organization/Artist Name: G. Mae Aquino

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: newell.leeann@gmail.com, Nov 23 '15 ip: 24.22.33.220

Name: Leeann Newell

Title: Musician

Organization/Artist Name: Self

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: rmarsh93@comcast.net, Nov 23 '15 ip: 73.25.60.98

Name: Ryan Marsh

Title: Lead Editor

Organization/Artist Name: Moving Picture Weddings

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

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*Steven Luna*

Signature: lunatix1005@gmail.com, Nov 23 '15 ip: 72.201.131.106

Name: Steven Luna

Title: Citizen

Organization/Artist Name: At the request of Imogen Heap

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

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<sup>10</sup> <http://music.us/expert/letters>

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<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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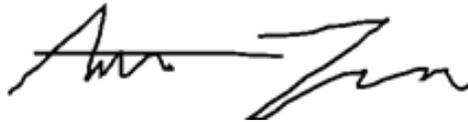
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: alm\_987@yahoo.com, Nov 24 '15 ip: 96.31.22.254

Name: Andrea

Title: Kreykes

Organization/Artist Name: Andrea

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<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: eliscinsky@yahoo.com, Nov 24 '15 ip: 206.112.75.238

Name: Eric R. Liscinsky

Title: Sr. Software Engineer

Organization/Artist Name: Self

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

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Signature: mcmason42@gmail.com, Nov 23 '15 ip: 173.218.13.54

Name: Matthew Mason

Title: Mr .

Organization/Artist Name: Matthew mason

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: anthony.winder@gmail.com, Nov 23 '15 ip: 136.159.49.122

Name: Anthony Winder

Title: Student

Organization/Artist Name: University of Calgary

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: jane.e.hassall@gmail.com, Nov 23 '15 ip: 1.144.96.174

Name: Jane Hassall

Title: Mrs .

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Christine Willett, ICANN Vice-President of gTLD Operations;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Cara Keirstead*

Signature: sunexplosion@gmail.com, Nov 23 '15 ip: 172.11.126.76

Name: Cara Keirstead

Title: writer

Organization/Artist Name: Cara Doll

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

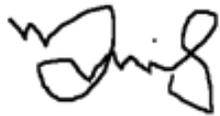
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: parv.deora@gmail.com, Nov 24 '15 ip: 187.188.214.25

Name: Miriam Gomez Lopez

Title: Miss

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Cetti Cherniak*

Signature: cetticherniak@gmail.com, Nov 24 '15 ip: 68.54.147.186

Name: Cetti Cherniak

Title: music lover

Organization/Artist Name: many and various

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Signature: john.murphy92@gmail.com, Nov 23 '15 ip: 216.158.230.134

Name: John Murphy

Title: Mr .

Organization/Artist Name: Imogen Heap

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: nicholasbryanmiller@gmail.com, Nov 23 '15 ip: 50.151.160.19

Name: Nicholas B. Miller

Title: Singer/Songwriter/Producer

Organization/Artist Name: Nicholas Bryan Music

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: mark.sheppard@hotmail.com, Nov 25 '15 ip: 108.80.132.71

Name: Mark Sheppard

Title: Mr .

Organization/Artist Name: EvilTone

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Signature: mccay7@gmail.com, Nov 23 '15 ip: 24.98.95.146

Name: Matthew McCay

Title: Matthew

Organization/Artist Name: Matthew McCay

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

Signature: dm@biaru.net, Nov 23 '15 ip: 69.206.64.85

Name: William Donaldson

Title: DJ / Presenter

Organization/Artist Name: Drifts

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

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Name: William Donaldson

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

Signature: dm@biaru.net, Nov 23 '15 ip: 69.206.64.85

Name: William Donaldson

Title: DJ / Presenter

Organization/Artist Name: Drifts

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: louieconradie@gmail.com, Nov 23 '15 ip: 94.193.49.73

Name: Louis Conradie

Title: Mr

Organization/Artist Name: C

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: timhilberts@gmail.com, Nov 23 '15 ip: 72.197.237.31

Name: Tim Hilberts-Duff

Title: Mr

Organization/Artist Name: Tim Hilberts

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: pike\_nick@hotmail.com, Nov 23 '15 ip: 195.11.230.173

Name: Nick Pike

Title: Mr

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: janine.simpson83@gmail.com, Nov 24 '15 ip: 82.132.213.206

Name: Janine Simpson

Title: Miss

Organization/Artist Name: Janine Simpson

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<sup>1</sup> <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: trcollins2@alaska.edu, Nov 23 '15 ip: 66.58.222.6

Name: Terri Collins

Title: songwriter

Organization/Artist Name: University of Alaska

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: smddly@gmail.com, Nov 23 '15 ip: 208.167.254.56

Name: Sam Dudley

Title: Mr

Organization/Artist Name: SDudley Music

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: catherinevernabentley@gmail.com, Nov 23 '15 ip: 31.49.72.0

Name: Catherine Bentley

Title: Miss

Organization/Artist Name: Imogen heap

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

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

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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Signature: cassandraaparker@gmail.com, Nov 23 '15 ip: 69.255.176.165

Name: Cassandra Parker

Title: Fan

Organization/Artist Name: Imogen Heap

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

Signature: director@rgmusic.com.co.uk, Nov 23 '15 ip: 195.194.86.233

Name: Rich Gordon

Title: Owner/operator

Organization/Artist Name: The Rich Gordon Music Company

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Signature: chriscaplin@hotmail.co.uk, Nov 23 '15 ip: 151.225.191.116

Name: Christopher Caplin

Title: Mr

Organization/Artist Name: Horizonsandskies

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
Christine Willett, ICANN Vice-President of gTLD Operations;  
Cherine Chalaby, ICANN Chair of the New gTLD Committee;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: shireen.r@outlook.com, Nov 23 '15 ip: 92.23.152.156

Name: Shireen Rukhsar

Title: Mx

Organization/Artist Name: –

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: laurice.peverett@gmail.com, Nov 23 '15 ip: 85.115.54.201

Name: Laurice Peverett

Title: Mrs

Organization/Artist Name: Independant

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: veradio\_jhube@hotmail.com, Nov 23 '15 ip: 123.3.219.246

Name: Jhube Veradio

Title: Mr .

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: alex@daudiomusicgroup.com, Nov 22 '15 ip: 92.232.169.157

Name: Alex Dudley

Title: Managing Director

Organization/Artist Name: dAudio Music Group

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: floglen@gmail.com, Nov 23 '15 ip: 92.24.45.198

Name: Florence Glen

Title: Miss

Organization/Artist Name: Florence Glen

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. For the Letter of Support rationale, please read the subsequent pages.



Signature: squikee@gmail.com, Nov 5 '15 ip: 73.155.54.105

Name: Shanika Gillespie

Title: Artist

Organization/Artist Name: Squikee

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for comments for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors. Furthermore, the senders are negligible in terms of size or relevance with respect to music as determined by a web search on those opposing entities i.e. none of these entities are globally-recognized music organizations of substantial size. Furthermore, the opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. DotMusic does not claim to represent the interests of every single Community member as some opposition letters claim. However, pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: drskoglund@msn.com, Nov 25 '15 ip: 98.15.143.6

Name: David Skoglund

Title: Musician

Organization/Artist Name: ASCAP

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Signature: boevejessica@gmail.com, Nov 24 '15 ip: 50.167.206.123

Name: Jessica Boeve

Title: Staff Accountant

Organization/Artist Name: UniPro Foodservice

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

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

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: chepeldaria@gmail.com, Nov 23 '15 ip: 95.90.243.218

Name: Daria Chepel

Title: Ms .

Organization/Artist Name: Dascha

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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Morgan Goodnight*

Signature: melolagnia@gmail.com, Nov 23 '15 ip: 206.53.19.184

Name: Morgan Goodnight

Title: Citizen

Organization/Artist Name: All

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

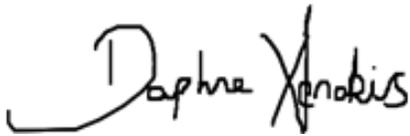
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: d.xenakis@mac.com, Nov 23 '15 ip: 31.205.153.98

Name: DAPHNE XENAKIS

Title: MISS

Organization/Artist Name: INDEPENDENT

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
Fadi Chehadé, ICANN President & CEO;  
Akram Attallah, ICANN President of Generic Domains Division;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: piratas2624@hotmail.com, Nov 23 '15 ip: 62.117.213.247

Name: Mayra Jiménez

Title: Musicians and Audio Producer. M.A. Global Entertainment and Music Business

Organization/Artist Name: Mayra Jiménez

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music Policy and Copyright Infringement Dispute Resolution Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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John Jeffrey, ICANN General Counsel; and  
Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Crystal Joy Smith*

Signature: crystaljoymusic@yahoo.com, Nov 23 '15 ip: 24.151.91.123

Name: Crystal Joy Smith

Title: songwriter, singer, pianist

Organization/Artist Name: Crystal Joy

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: cerumentric@gmail.com, Nov 23 '15 ip: 112.209.156.149

Name: Erick Fabian

Title: Mr .

Organization/Artist Name: CERUMENTRIC

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: stunningdunning@hotmail.com, Nov 24 '15 ip: 129.59.154.192

Name: Steven Dunning

Title: Violinist, Library assistant

Organization/Artist Name: Steve Dunning

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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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 spanning hundreds of events and community meetings;<sup>3</sup>
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<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

Signature: ishanitok2much@gmail.com, Nov 23 '15 ip: 86.166.38.28

Name: `ishani`

Title: `ishani`

Organization/Artist Name: `ishani`

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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12. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: andersrossphotography@gmail.com, Nov 25 '15 ip: 99.41.81.226

Name: Andrew Ross

Title: Support for .MUSIC Community-based Application

Organization/Artist Name: Noble Giant

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Samantha Amundsen*

slynch03@gmail.com, Nov 23 '15 ip: 174.17.160.204

Signature:

Name: Samantha Amundsen

Title: Music Lover

Organization/Artist Name: SamJammer

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Signature: csraigomyeggo@gmail.com, Nov 23 '15 ip: 70.79.149.149

Name: Craig Schibli

Title: M

Organization/Artist Name: Opus Arise

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

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<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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*Adam Cignatta*

Signature: adam.cignatta@gmail.com, Nov 24 '15 ip: 70.199.129.74

Name: Adam Cignatta

Title: Not into the whole brevity thing man.

Organization/Artist Name: Adam Cignatta

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for comments for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: dukedraven@hotmail.com, Nov 23 '15 ip: 71.50.158.244

Name: David Wise

Title: CSR

Organization/Artist Name: Facebook

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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*Joshua David Lehr*

Signature: schubaltz1984@yahoo.com, Nov 23 '15 ip: 50.164.41.194

Name: Joshua David Lehr

Title: N/A

Organization/Artist Name: N/A

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
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<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

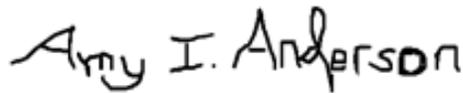
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: amyirenaa@gmail.com, Nov 24 '15 ip: 67.243.36.190

Name: Amy Irene Anderson

Title: Ms .

Organization/Artist Name: Ladybird (NY) / Erayna Cranston

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

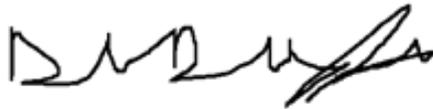
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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Community Priority Evaluation Panel, Economist Intelligence Unit

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: daniellouisduffy@gmail.com, Nov 22 '15 ip: 131.111.5.38

Name: Daniel Duffy

Title: Mr

Organization/Artist Name: Daniel Duffy

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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

**Re: Support for .MUSIC Community-based Application<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.



Signature: zwilnik@zwilnik.com, Nov 23 '15 ip: 136.1.1.113

Name: Kevin B. O'Brien

Title: None

Organization/Artist Name: None

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> [https://gtldresult.icann.org/application-](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392)

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

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

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<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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;
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  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

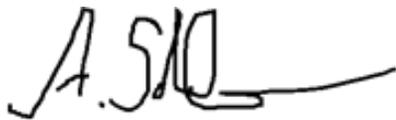
<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

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<sup>1</sup>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

A handwritten signature in black ink, appearing to read 'A. Schlafke', with a long horizontal flourish extending to the right.

Signature: sonicbody@arcor.de, Nov 23 '15 ip: 93.232.17.159

Name: achim schlafke

Title: none

Organization/Artist Name: Craig Mellons

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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,<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 20a

<sup>15</sup> <http://music.us/board/>

<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

- email authentication verification process; a priority-based launch phase<sup>17</sup> 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. mandates that all Community members must certify their agreement to the music-tailored DotMusic Registration Policies, including restricting Content and Use to legal, music-related content and activities and not allowing parking pages;
  13. 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),<sup>18</sup> a Sunrise Challenge process and appropriate procedures to allow governments, public authorities or IGO's to challenge abuses of names with national or geographic significance;
  14. has partnered with Afilias,<sup>19</sup> 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; and
  15. is accountable to the global Music Community through its Public Interest Commitments<sup>20</sup> 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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<sup>17</sup> 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.

<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

<sup>20</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?t:ac=1392>

Dr. Steve Crocker, Chairman of the ICANN Board;  
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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>**

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

Please accept this Letter of Support for DotMusic’s .MUSIC community-based application. Furthermore, this Letter also “reject[s] the notion that there is no music community,” a position that has been strongly voiced to ICANN and the EIU recently by members of the global music community and organizations with members representing a majority of music consumed globally. For the Letter of Support rationale, please read the subsequent pages.

*Braescu Ovidiu*

Signature: ovidiubraescu@yahoo.com, Nov 23 '15 ip: 86.127.194.114

Name: Braescu Ovidiu

Title: computer programmer

Organization/Artist Name: IMOGEN HEAP

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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;<sup>2</sup>
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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
4. is the only .MUSIC applicant without a formal Community Objection filed against it;<sup>6</sup>

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1392?t:ac=1392>, 18a and 20c

<sup>3</sup> <http://music.us/events>

<sup>4</sup> For example, the IFPI is considered an organization *mainly* dedicated to the Community defined because the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings (See <http://isrc.ifpi.org/en>). The IFPI's activities serve the legitimate interests of the entire Community e.g. promoting the value of music, lobbying to serve the music sector's interests in government and legislative issues, and taking down mass copyright infringing websites illegally distributing music affiliated with the entire Community (See <http://ifpi.org/what-we-do.php>).

<sup>5</sup> <http://music.us/supporters> and <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>

<sup>6</sup> A few spurious opposition letters were recently filed for the purpose of obstruction just before the Community Priority Evaluation began despite the community application being public for over 3 years. Such letters are considered irrelevant because they were orchestrated by competitors (See <https://www.icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-03nov15-en.pdf>). The senders are negligible in terms of size or relevance with respect to music as determined by a web search on those entities i.e. none of these entities are globally-recognized music organizations of substantial size. The opposition is not of reasoned nature because it opposes ICANN-mandated Guidelines that community applicants must follow (e.g. Community eligibility policies must restrict membership to Community members). Such opposition is time-barred and has been developed with years of consultation with the ICANN Community. Pursuant to the Guidelines the DotMusic community application "has multiple organizations supporting the application, with documented support from organizations representing a majority of the overall community addressed" i.e. "has support from the majority of the recognized community member organizations."

5. commits to align its music-tailored Registration Policies with its articulated community-based purpose to serve the legitimate interests of the Community;
6. commits to “use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment<sup>7</sup>...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;”<sup>8</sup>
7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>7</sup> The AGB also has no language disallowing membership based on participation in the community defined (e.g. in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community,” Pg.2). Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include: (i) “a logical alliance members based on categories that are solely community-related” i.e. in the case of music, they are music-related (e.g. in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members,” Pg. 2); (ii) “self-identification” in a community e.g. identifying that they have a tie with the community (e.g. in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: [...] Entities, including natural persons who have a legitimate purpose in addressing the community,” Pg. 2); (iii) allowing different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types (e.g. in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories,” Pg.2); (iv) those who have a legitimate purpose in addressing the community e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose.

<sup>8</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

<sup>10</sup> <http://music.us/expert/letters>

8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) 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;<sup>15</sup>
11. has enhanced safeguards to increase trust, protect copyright and prevent cybersquatting taking into consideration that Music is recognized by recent ICANN Resolutions and GAC Advice as a regulated, sensitive sector.<sup>16</sup> These enhanced safeguards 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

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<sup>11</sup> According to Merriam-Webster dictionary, "substantial" is defined as "considerable in quantity: significantly great" (See, <http://merriam-webster.com/dictionary/substantial>, Definition 3b) or "being largely but not wholly that which is specified"). Section 1855(d)(2)(A) of the Balanced Budget Act of 1997 defined "substantial proportion" is "significantly more than the majority" (See <http://gpo.gov/fdsys/pkg/FR-1998-04-14/html/98-9810.htm>). DotMusic delineated the Community based on MCMO membership and/or NAICS "music" subset codes (Every NAICS code is preceded by "music" to ensure the string matches the community defined and exclude entities without an association or essential relationship with "music" i.e. casual entities without the requisite awareness or recognition of the community are excluded). The substantial majority of the Community is represented by "Musical groups and artists" category (NAICS code 711130) which alone considerably exceeds all the other delineated "music" NAICS subset codes (limited to only "music" entities) combined.

<sup>12</sup> <http://www.wordreference.com/es/translation.asp?tranword=commonly%20known>

<sup>13</sup> Nielsen / Harris Poll, Quick Query Q3505, <http://music.us/nielsen-harris-poll.pdf>  
Fielding Period: August 7-11, 2015, Pg. 1,2,3

<sup>14</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/1392?t:ac=1392>, 20a

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<sup>16</sup> <https://www.icann.org/en/system/files/bm/briefing-materials-2-05feb14-en.pdf>, Pg.3

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  14. has partnered with Afilias,<sup>19</sup> 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; and
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<sup>18</sup> See DotMusic MPCIDRP at <http://www.adrforum.com/RegistrySpec> and [http://www.adrforum.com/users/odr/resources/Music\\_Policy\\_and\\_Copyright\\_Infringement\\_Dispute\\_Resolution\\_Process\\_final%20\(2\).docx](http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx)

<sup>19</sup> <http://www.afilias.info/about-us>

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Community Priority Evaluation Panel, Economist Intelligence Unit

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*M. Cochrane*

Signature: matcochr@yahoo.co.uk, Nov 23 '15 ip: 109.111.205.34

Name: Matthew Cochrane

Title: Sound editor, composer and tutor.

Organization/Artist Name: Freelance / Access to Music Birmingham

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<sup>1</sup> <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392>, DotMusic Limited  
Application ID 1-1115-14110

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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 spanning hundreds of events and community meetings;<sup>3</sup>
3. is supported by an "(industry) community" of non-negligible, relevant organizations with members representing over 95% of music consumed globally (i.e. a majority of the Community defined), including many entities *mainly* dedicated to the Community, such as the IFPI,<sup>4</sup> FIM, ICMP, IFACCA, IAMIC, ISME, A2IM, WIN, NAMM, RIAA, NMPA and others.<sup>5</sup>
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<sup>3</sup> <http://music.us/events>

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7. has independent testimonies and disclosures from 43 experts, including 33 Ph.Ds, that provide evidence and “conclusions that are compelling and defensible”<sup>9</sup> 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;<sup>10</sup>

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<sup>9</sup> CPE Guidelines, Pg.22, and CPE Panel Process Document, <http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf>, Pg.3

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8. has defined the Community consistently to match the string allowing all legitimate music constituents with the requisite awareness of the Community to be able to register a .MUSIC domain without a conflict of interest, over-reaching<sup>11</sup> or discrimination.
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<sup>12</sup>) and associated with the identification of the community defined. Most people, 1562 out of 2084 (i.e. 75% of the respondents) responded "Yes."<sup>13</sup> 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"<sup>14</sup>) matches with the string;
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<sup>19</sup> <http://www.afilias.info/about-us>

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