Exhibit A20
New gTLD Program
Community Priority Evaluation Clarifying Questions
Date: 29 September 2015

Application ID: 1-1115-14110
Applied-for String: Music
Applicant Name: DotMusic Limited

Clarifying question 1, 1 - E:
The criterion for Delineation under Criterion 1: Community Establishment as described in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook specifies that credit is received when there is “a clear and straight-forward membership definition”. The application lists 42 categories of members of the defined community and for each reference a North American Industrial Classification System (NAICS) code, as noted in Table 1 below. For reference, the EIU has numbered each of the 42 categories in the first column of the table below.

Table 1

<table>
<thead>
<tr>
<th>#</th>
<th>Application's member category</th>
<th>Corresponding NAICS Code Cited by Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Musical groups and artists [listed twice in application—see listing #14]</td>
<td>711130</td>
</tr>
<tr>
<td>2</td>
<td>Independent music artists, performers, arrangers &amp; composers</td>
<td>711500</td>
</tr>
<tr>
<td>3</td>
<td>Music publishers</td>
<td>512230</td>
</tr>
<tr>
<td>4</td>
<td>Music recording industries</td>
<td>512290</td>
</tr>
<tr>
<td>5</td>
<td>Music recording &amp; rehearsal studios</td>
<td>512240</td>
</tr>
<tr>
<td>6</td>
<td>Music distributors, promoters &amp; record labels</td>
<td>512220</td>
</tr>
<tr>
<td>7</td>
<td>Music production companies &amp; record producers</td>
<td>512210</td>
</tr>
<tr>
<td>8</td>
<td>Live musical producers</td>
<td>711130</td>
</tr>
<tr>
<td>9</td>
<td>Musical instrument manufacturers</td>
<td>339992</td>
</tr>
<tr>
<td>10</td>
<td>Musical instruments &amp; supplies stores</td>
<td>451140</td>
</tr>
<tr>
<td>11</td>
<td>Music stores</td>
<td>451220</td>
</tr>
<tr>
<td>12</td>
<td>Music accountants</td>
<td>541211</td>
</tr>
<tr>
<td>13</td>
<td>Music lawyers</td>
<td>541110</td>
</tr>
<tr>
<td>14</td>
<td>Musical groups &amp; artists</td>
<td>711130</td>
</tr>
<tr>
<td>15</td>
<td>Music education &amp; schools</td>
<td>611610</td>
</tr>
<tr>
<td>16</td>
<td>Music agents &amp; managers</td>
<td>711400</td>
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<td>17</td>
<td>Music promoters &amp; performing arts establishments</td>
<td>711300</td>
</tr>
<tr>
<td>18</td>
<td>Music promoters of performing arts with facilities</td>
<td>711310</td>
</tr>
<tr>
<td>19</td>
<td>Music promoters of performing arts without facilities</td>
<td>711320</td>
</tr>
<tr>
<td>20</td>
<td>Music performing arts companies</td>
<td>711100</td>
</tr>
<tr>
<td>21</td>
<td>Other music performing arts companies</td>
<td>711190</td>
</tr>
<tr>
<td>22</td>
<td>Music record reproducing companies</td>
<td>334612</td>
</tr>
<tr>
<td>23</td>
<td>Music, audio and video equipment manufacturers</td>
<td>334310</td>
</tr>
</tbody>
</table>
### Table 2

<table>
<thead>
<tr>
<th>#</th>
<th>Application's member category</th>
<th>Corresponding NAICS Code Cited by Application(^1)</th>
<th>Official 2012 NAICS definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Music recording industries</td>
<td>512290</td>
<td>Other Sound Recording Industries</td>
</tr>
<tr>
<td>5</td>
<td>Music recording &amp; rehearsal studios</td>
<td>512240</td>
<td>Sound Recording Studios</td>
</tr>
<tr>
<td>6</td>
<td>Music distributors, promoters &amp; record labels</td>
<td>512220</td>
<td>Integrated Record Production/Distribution</td>
</tr>
<tr>
<td>12</td>
<td>Music accountants</td>
<td>541211</td>
<td>Offices of Certified Public Accountants</td>
</tr>
<tr>
<td>13</td>
<td>Music lawyers</td>
<td>541110</td>
<td>Offices of Lawyers</td>
</tr>
<tr>
<td>15</td>
<td>Music education &amp; schools</td>
<td>611610</td>
<td>Fine Arts Schools</td>
</tr>
<tr>
<td>18</td>
<td>Music promoters of performing arts with facilities</td>
<td>711310</td>
<td>Promoters of Performing Arts, Sports, and Similar Events with Facilities</td>
</tr>
</tbody>
</table>

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\(^2\) The Panel has noted instances where the NAICS code provided by the applicant does not match the database used by the Panel, which reflects the NAICS database as of 2012. The Panel welcomes clarification and corrections by the applicant with regard to the correct NAICS codes.
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>NAICS Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Music promoters of performing arts without facilities</td>
<td>711320</td>
<td>Promoters of performing arts, sports, and similar events without facilities</td>
</tr>
<tr>
<td>21</td>
<td>Other music performing arts companies</td>
<td>711910</td>
<td>Other Performing Arts Companies</td>
</tr>
<tr>
<td>23</td>
<td>Music, audio and video equipment manufacturers</td>
<td>334310</td>
<td>Audio and Video Equipment Manufacturing</td>
</tr>
<tr>
<td>24</td>
<td>Music radio networks</td>
<td>515111</td>
<td>Radio Networks</td>
</tr>
<tr>
<td>25</td>
<td>Music radio stations</td>
<td>515112</td>
<td>Radio Stations</td>
</tr>
<tr>
<td>26</td>
<td>Music archives &amp; libraries</td>
<td>519120</td>
<td>Libraries and Archives</td>
</tr>
<tr>
<td>27</td>
<td>Music business &amp; management consultants</td>
<td>541611</td>
<td>Administrative Management and General Management Consulting Services</td>
</tr>
<tr>
<td>28</td>
<td>Music collection agencies &amp; performance rights organizations</td>
<td>561440</td>
<td>Collection Agencies</td>
</tr>
<tr>
<td>29</td>
<td>Music therapists</td>
<td>621340</td>
<td>Offices of Physical, Occupational and Speech Therapists, and Audiologists</td>
</tr>
<tr>
<td>30</td>
<td>Music business associations</td>
<td>813910</td>
<td>Business Associations</td>
</tr>
<tr>
<td>31</td>
<td>Music coalitions, associations, organizations, information centers &amp; export offices</td>
<td>813920</td>
<td>Professional Organizations</td>
</tr>
<tr>
<td>32</td>
<td>Music unions</td>
<td>813930</td>
<td>Labor Unions and Similar Labor Organizations</td>
</tr>
<tr>
<td>33</td>
<td>Music public relations agencies</td>
<td>541820</td>
<td>Public Relations Agencies</td>
</tr>
<tr>
<td>34</td>
<td>Music journalists &amp; bloggers</td>
<td>711510</td>
<td>Independent Artists, Writers, and Performers</td>
</tr>
<tr>
<td>35</td>
<td>Internet Music radio station</td>
<td>519130</td>
<td>Internet Publishing and Broadcasting and Web Search Portals</td>
</tr>
<tr>
<td>36</td>
<td>Music broadcasters</td>
<td>515120</td>
<td>Television broadcasting</td>
</tr>
<tr>
<td>37</td>
<td>Music video producers</td>
<td>512110</td>
<td>Motion Picture and Video Production</td>
</tr>
<tr>
<td>38</td>
<td>Music marketing services</td>
<td>541613</td>
<td>Marketing Consulting Services</td>
</tr>
<tr>
<td>39</td>
<td>Music &amp; audio engineers</td>
<td>541330</td>
<td>Engineering Services</td>
</tr>
<tr>
<td>40</td>
<td>Music ticketing</td>
<td>561599</td>
<td>All Other Travel Arrangement and Reservation Services</td>
</tr>
<tr>
<td>41</td>
<td>Music recreation establishments</td>
<td>722410</td>
<td>Drinking Places (Alcoholic Beverages)</td>
</tr>
<tr>
<td>42</td>
<td>Music fans/clubs</td>
<td>813410</td>
<td>Civic and Social Organizations</td>
</tr>
</tbody>
</table>
B) For the member categories noted in Table 3 below, the applicant provided a corresponding NAICS code, which the Panel could not find listed in an official database. Please clarify the appropriate code for each member category. If applicable, please also clarify, as per question A, if the official NAICS code definition matches the application’s member category, and if not, clarify the delineation of members and non-members and how that will be determined.

Table 3

<table>
<thead>
<tr>
<th>#</th>
<th>Application's member category</th>
<th>Corresponding NAICS Code Cited by Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Independent music artists, performers, arrangers &amp; composers</td>
<td>711500</td>
</tr>
<tr>
<td>11</td>
<td>Music stores</td>
<td>451220</td>
</tr>
<tr>
<td>16</td>
<td>Music agents &amp; managers</td>
<td>711400</td>
</tr>
<tr>
<td>17</td>
<td>Music promoters &amp; performing arts establishments</td>
<td>711300</td>
</tr>
<tr>
<td>20</td>
<td>Music performing arts companies</td>
<td>711100</td>
</tr>
<tr>
<td>22</td>
<td>Music record reproducing companies</td>
<td>334612</td>
</tr>
</tbody>
</table>

C) The last category listed by the applicant is “Music fans/clubs” (see #42 in Table 1). The Panel would like to clarify the individuals and/or entities that would be included in this category.

D) The application also makes reference to the following description of its community:

.MUSIC relates to the Community by representing all constituents involved in music creation, production and distribution, including government culture agencies and arts councils and other complementor organizations involved in support activities that are aligned with the .MUSIC mission. (application, 20(d))

The Community Priority Evaluation panel would like to clarify to which entities the application is making reference to when citing “other complementor organizations involved in support activities” and whether such organizations fall under one or more of the categories explicitly mentioned in Table 1.

E) In addition to the categories of members referred to above, the application also states the following:

Registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership” (application, 20(a))

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3 Ibid.
4 The Panel has noted instances where the NAICS code provided by the applicant does not match the database used by the Panel, which reflects the NAICS database as of 2012. The Panel welcomes clarification and corrections by the applicant with regard to the correct NAICS codes.
The application goes on to cite four provisions related to the above, including: “(i) Qualification criteria as delineated by recognized NAICS codes corresponding to Community member classification music entity types…” (application, 20(a)).

The Community Priority Evaluation panel would like to clarify how “registrants will be verified” and what kind “formal membership” will be required.

Applicants are asked to provide all documentation in one submission by the date due and are reminded that any additional information provided beyond the scope of the CQ or attempts to change information provided in the application will not be considered by the Panel.
Exhibit A21
DotMusic Limited Response to Clarifying Question 1 (A - E) from ICANN and the EIU

Application ID: 1-1115-14110
Applied-for String: Music
Applicant Name: DotMusic Limited

October 29, 2015
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Answers to Clarifying Questions

The objective of this Response to the EIU and ICANN is to answer the Clarifying Question (A – E) that was received from ICANN and the EIU on September 29th, 2015. All documentation and evidence provided by DotMusic is within the scope of the Clarifying Question in the areas of Community Establishment (Criterion 1) and the Nexus between Proposed String and Community (Criterion 2) consistent with the language in DotMusic’s Application and consistent with previous CPE Determinations.

DotMusic will also provide compelling evidence that the methodology adopted to define the community relating to the Clarifying Question was not construed because DotMusic:

1) Used the industry standard methodology using NAICS codes adopted by several of the most prominent music cities (Georgia, Nashville, Seattle, Detroit, Austin, Chicago, Cleveland and Memphis) in defining, clustering and assessing their local music community’s impact with organized and delineated criteria;

2) Used the delineation recommendations by UNESCO of using an organized, delineated and symbiotic cluster of industry classification codes, “since no single standard industry classification adequately encompasses the diversity of musical activity and commerce; rather, it is possible to identify several components which taken together provide a delineation of the extent and coverage of the term “music industry”. This can be done by identifying...groups of stakeholders” (emphasis added);

1 https://gtldresult.icann.org/applicationstatus/applicationdetails/1392
2 https://newgtlds.icann.org/en/applicants/cpe#invitations
4 http://www.nashville.gov/Portals/0/SiteContent/MayorsOffice/EcDev/NashvilleMusicIndustryStudy.pdf, Pg. 14-16
11 UNESCO, The Global Alliance for Cultural Diversity, Division of Arts and Cultural Enterprise, The Music...
3) Fine-tuned its Registration Policies to calibrate and offset the inefficiencies and deficiencies of the NAICS code methodology of Delineation to ensure there is no substantial overreaching (at either side of the spectrum) in order to completely match the Nexus of the string consistent with DotMusic’s community definition (i.e. to ensure only entities related to the string with the requisite awareness of the community defined are included and not to exclude any entity that has a legitimate purpose in addressing the community represented by the string);

4) Conducted a Nielsen/Harris poll with over two-thousand (2,000) diverse participants to ensure that the general public would clearly associate the string with the community defined by DotMusic (See Annex H);

5) Provided forty-three (43) expert testimonies agreeing that the Delineation and Nexus of the community defined matches the string as provided by DotMusic in its application (See Annex K);

6) Provided support letters from nearly all the most globally-recognized music organizations that comprise of a majority of the global music community as defined and represent over 95% of global music consumed, including organizations, such as the IFPI that mainly dedicated to the community. These relevant, non-negligible organizations also provide compelling evidence that DotMusic’s definition is not construed and is indeed a definition supported by these endorsing organizations.

DotMusic used the NAICS Codes subset codes, allowing members to “self-identify” their “music” membership with “music” subsets of the NAICS. This standard NAICS methodology has been adopted by researchers analyzing the music industries, including city-based music industries. (See Annex A for further explanation and detailed analysis on the methodology and rationale adopted as well as Annexes I and J for a complete overview and analysis of the DotMusic application with respect to the CPE Guidelines and the Applicant Guidebook if more clarification is needed).


For example, when the IFPI files to take down an illegal song on a pirate site, the IFPI also performs the function of protecting other specific rights that may be attributed to other rights holders as well, such as the publishers or songwriters that may also be associated with the song. This symbiotic and overlapping relationship further highlights why the IFPI is an organization mainly dedicated to the community defined (See http://ifpi.org/what-we-do.php and https://www.prsformusic.com/SiteCollectionDocuments/Membership/The_Music_Universe.pdf). Furthermore, the IFPI administers the International Standard Recording Code (ISRC), the international identification system and global industry standard for sound recordings and music video recordings...which enables recordings to be uniquely and permanently identified across different services, across borders, or under different licensing deals (See http://isrc.ifpi.org/en/).
Answer to Clarifying Question #1: A

The Panel notes that for the following member categories in Table 2 below, the official NAICS code definition refers to a broader industry group or an industry group that is not identical to the one cited by the applicant. The Panel would like to clarify whether all entities identified by the NAICS code (see “Official 2012 NAICS definition”) in the table below are included in the applicant’s defined community. If all entities included in the official NAICS definition are not included in the proposed community, please clarify the delineation of members and non-members and how that will be determined.

Table 2

<table>
<thead>
<tr>
<th>Application's member category</th>
<th>Corresponding NAICS Code</th>
<th>Official 2012 NAICS definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Music recording industries</td>
<td>512290</td>
<td>Other Sound Recording Industries</td>
</tr>
<tr>
<td>5 Music recording &amp; rehearsal studios</td>
<td>512240</td>
<td>Sound Recording Studios</td>
</tr>
<tr>
<td>6 Music distributors, promoters &amp; record labels</td>
<td>512220</td>
<td>Integrated Record Production/Distribution</td>
</tr>
<tr>
<td>12 Music accountants</td>
<td>541211</td>
<td>Offices of Certified Public Accountants</td>
</tr>
<tr>
<td>13 Music lawyers</td>
<td>541110</td>
<td>Offices of Lawyers</td>
</tr>
<tr>
<td>15 Music education &amp; schools</td>
<td>611610</td>
<td>Fine Arts Schools</td>
</tr>
<tr>
<td>18 Music promoters of performing arts with facilities</td>
<td>711310</td>
<td>Promoters of Performing Arts, Sports, and Similar Events with Facilities</td>
</tr>
<tr>
<td>19 Music promoters of performing arts without facilities</td>
<td>711320</td>
<td>Promoters of performing arts, sports, and similar events without facilities</td>
</tr>
<tr>
<td>21 Other music performing arts companies</td>
<td>711190</td>
<td>Other Performing Arts Companies</td>
</tr>
<tr>
<td>23 Music audio and video equipment manufacturers</td>
<td>334310</td>
<td>Audio and Video Equipment Manufacturing</td>
</tr>
<tr>
<td>24 Music radio networks</td>
<td>515111</td>
<td>Radio Networks</td>
</tr>
<tr>
<td>25 Music radio stations</td>
<td>515112</td>
<td>Radio Stations</td>
</tr>
<tr>
<td>26 Music archives &amp; libraries</td>
<td>519120</td>
<td>Libraries and Archives</td>
</tr>
<tr>
<td>27 Music business &amp; management consultants</td>
<td>541611</td>
<td>Administrative Management and General Management Consulting Services</td>
</tr>
<tr>
<td>28 Music collection agencies &amp; performance rights organizations</td>
<td>561440</td>
<td>Collection Agencies</td>
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<tr>
<td>29 Music therapists</td>
<td>621340</td>
<td>Offices of Physical, Occupational and Speech Therapists, and Audiologists</td>
</tr>
<tr>
<td>30 Music business associations</td>
<td>813910</td>
<td>Business Associations</td>
</tr>
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<td>31 Music coalitions, associations, organizations, information centers &amp; export offices</td>
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<td>Professional Organizations</td>
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<td>32 Music unions</td>
<td>813930</td>
<td>Labor Unions and Similar Labor Organizations</td>
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<td>33 Music public relations agencies</td>
<td>541820</td>
<td>Public Relations Agencies</td>
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<td>Independent Artists, Writers, and Performers</td>
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</tr>
<tr>
<td>42</td>
<td>fans/</td>
<td>813410</td>
</tr>
</tbody>
</table>

Entities identified by the NAICS code (see "Official 2012 NAICS Definition" in Table 2) are included in the manner that DotMusic’s application limits them solely to the Music Community. DotMusic addressed the NAICS Codes and ensured that only "music-related" entities that are organized and delineated by the NAICS codes may be members of the “Community” defined. It is noted that neither the Applicant Guidebook (the “AGB”) nor the CPE Guidelines provided a concrete meaning for “define” and “definition” (emphasis added). Furthermore, the AGB requires only that the constituents of a community be members of that community. There was no requirement that members of a community “act” as a community nor does the AGB say anything about how community members must “associate themselves.” The AGB also has no language disallowing membership based on participation in the community defined. Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include “a logical alliance members based on categories that are solely community-related” (i.e. in the case of music, they are music-related), “self-identification” in a community (e.g. identifying that they have a tie with the community) or those who have a legitimate purpose in addressing the community (e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose). The AGB also allows for different types of membership just as long as there demonstrable involvement in community-related activities that may vary among member constituent types.

As such, DotMusic used the industry standard methodology for defining music industries using NAICS codes, allowing members to “self-identify” their “music” membership with solely the “music” subsets of the NAICS codes that only relate to “music” (emphasis added) so there is no overreaching whatsoever and the community defined and delineated matches the “music” string. In order to match the string with

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13 For example, in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community” (emphasis added) (Pg.2).

14 For example, in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members” (emphasis added) (Pg. 2).

15 For example, in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: […] Entities, including natural persons who have a legitimate purpose in addressing the community” (emphasis added) (Pg. 2).

16 For example, in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories” (emphasis added) (Pg. 2).
the community defined it was vital to include all music constituent types (See Annex D, Venn Diagram for Community Definition and Nexus) – including complementary entities e.g. government culture agencies, arts councils and/or government agencies related to copyright -- that are considered essential for the smooth functioning of the music (industry) community and its sector’s regulation (since music is a copyright industry). As stated in DotMusic’s application, all legitimate Community members are included in the definition:

*The Music Community encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders.*” (Answer to Question 20C)

The only NAICS classifications that were delineated by DotMusic to define the community were those that were considered essential for “music.” (For a more detailed analysis on the rationale and methodology for selecting the NAICS codes sub-sets in relation to music (industry) community defined consistent with the AGB and CPE Guidelines, see Annex A, Community Establishment & Definition Rationale and Methodology).

By way of example NAICS Code 541211 (Offices of Certified Public Accountants) is too broad and is therefore limited by DotMusic to solely “Music Accountants” who would have the requisite awareness of and association with the Community. In this case, only “music accountants” that were members of an mCMO would be delineated as members.

For members with requisite awareness that are also part of existing Music Community Member Organizations (mCMOs), the Application provides a Landrush registration (members of mCMO’s could also register their domains during General Registration as well as indicated below):

*Music Community Member Organization (MCMO) Landrush for registrants with demonstrated MCMO memberships…*

**MUSIC COMMUNITY MEMBER ORGANIZATION (MCMO) LANDRUSH LAUNCH**

This is the second phase of .MUSIC domain registration. It is a limited-time period reserved for members of DotMusic-accredited music Community Member Organizations (mCMO). (Application Answer to Question 18(B)(vi) & 20(e))

*The mCMO domain allocation method during the Landrush phase was created by DotMusic to allow Community members to register through established Community organizations. During the General Registration phase the TLD is open to all Community members for registration, but also restricted by Eligibility, Use and other Policies, including enhanced safeguards. (Application Answer to Question 20B).*

Alternatively, if a “music accountant” is not a member of an MCMO but has a legitimate purpose in addressing the music community, then that “music accountant” could be delineated by demonstrating requisite awareness and identification with the Community by:

1) Selecting that corresponding with the NAICS Code 541211 (and as limited by DotMusic to solely “Music” Accountants), and;
2) Certifying acceptance to the DotMusic Registration Policies aligned with the community-based goals and purpose. This certification aligned with community’s goals applies to all Community members, including mCMO members:

*DotMusic has incorporated enhanced policies to ensure only eligible members of the Music Community who comply with the values, purpose and mission of the TLD can participate; to ensure domains are used in a manner benefitting the Community; to protect intellectual property; and to safeguard domains from malicious conduct and copyright infringement.*

**USE POLICY**

This policy is in place for .MUSIC registrants regardless of the applicable launch phase. It is developed with extensive participation of Music Community members; tailored to meet the specific needs of the Music Community; and solve issues currently existing in the Music Community related to intellectual property infringement and malicious conduct.

The policy is incorporated in the registration agreement for all .MUSIC registrants. DotMusic may modify or revise these use policies at any time...Registrants that do not accept and abide by the registration agreement are disqualified from domain registrations. (Application Answer to Question 20e)

Only those that are defined by and identify with the sub-set of the NAICS code that relates to “music” would qualify as a member of the Community (See Annex B, Venn Diagrams for Clarifying Question A). These music community-tailored Policies ensure that members have the requisite awareness of belonging to the community. This means entities or individuals with a casual, tangential relationship with the string music are excluded (emphasis added) i.e. only entities or individuals that have the requisite awareness of the Community and have taken affirmative steps to associate with either an mCMO or self-identify with the appropriate sub-set of a corresponding NAICS group are delineated as members (emphasis added).

The Registration Process identification process (See Annex G, Registration Process Flowchart for more information) is aligned with the member’s requisite awareness of the community defined “logical alliance of communities related to music.” After their self-identifying, the Registry will place the registrant/community member into the corresponding premium channel(s) sorted according to music delineation type. Most importantly, all registrants/community members are governed by the applicant’s Community Use Polices and Restrictions that are related to music.
For the member categories noted in Table 3 below, the applicant provided a corresponding NAICS code, which the Panel could not find listed in an official database. Please clarify the appropriate code for each member category. If applicable, please also clarify, as per question A, if the official NAICS code definition matches the application’s member category, and if not, clarify the delineation of members and non-members and how that will be determined.

<table>
<thead>
<tr>
<th>Table 3 #</th>
<th>Application's member category</th>
<th>Corresponding NAICS Code Cited by Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Independent music artists, performers, arrangers &amp; composers</td>
<td>711500</td>
</tr>
<tr>
<td>11</td>
<td>Music stores</td>
<td>451220</td>
</tr>
<tr>
<td>16</td>
<td>Music agents &amp; managers</td>
<td>711400</td>
</tr>
<tr>
<td>17</td>
<td>Music promoters &amp; performing arts establishments</td>
<td>711300</td>
</tr>
<tr>
<td>20</td>
<td>Music performing arts companies</td>
<td>711100</td>
</tr>
<tr>
<td>22</td>
<td>Music record reproducing companies</td>
<td>334612</td>
</tr>
</tbody>
</table>

As clarified in the Answer to Clarifying Question #1A above, the official NAICS code definition refers to a broader industry group than that delineated by DotMusic in its Application. As clarified in #1A, members of the delineated community defined only include the "music" subset of each NAICS code set as cited in the Application. As the application indicates, every NAICS code is preceded by the applied-for string “music” to ensure that the Nexus of the string matches the community defined (i.e. a strictly delineated and organized community of individuals, organizations and business, a “logical alliance of communities of a similar nature” that relate to music (emphasis added): the art of combining sounds rhythmically, melodically or harmonically. (Question 20A)) and to exclude entities that have a no association or a non-essential relationship with “music” i.e. those casual entities that do not have the requisite awareness or recognition of the community are ineligible for registration.

DotMusic used official NAICS codes provided by the United States Department of Labor, Bureau of Labor Statistics (BLS). The appropriate codes and BLS references to Table 3 are:

2 - Independent music artists, performers, arrangers & composers 711500


11 - Music stores 451220


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17 [http://www.bls.gov](http://www.bls.gov)

NAICS 443142—Electronic stores are establishments that retail a general line of new consumer-type electronic products; including radios, televisions, computers, computer peripherals, prepackaged computer software, cameras, photographic equipment, photographic supplies, prerecorded audio and video tapes, compact discs (CDs), digital video discs (DVDs), cellular phones and cellular phone plans.

NAICS 443142 is an aggregate of the following 2007 NAICS industries: -443112—Radio, Television, and Other Electronics Stores -443120—Computer and Software Stores -443130—Camera and Photographic Supplies Stores -451220—Prerecorded Tape, Compact Disc, and Record Stores prerecorded audio and video tapes, compact discs (CDs), digital video discs (DVDs), cellular phones and cellular phone plans.

NAICS 443142 is an aggregate of the following 2007 NAICS industries:

- 443112—Radio, Television, and Other Electronics Stores
- 443120—Computer and Software Stores
- 443130—Camera and Photographic Supplies Stores
- 451220—Prerecorded Tape, Compact Disc, and Record Stores

Also see http://www.bls.gov/cew/doc/titles/industry/industry_titles.htm, which indicates:

451220 NAICS07  451220 Precorded tape, cd, and record stores

16 - Music agents & managers 711400


17 - Music promoters & performing arts establishments 711300


20 - Music performing arts companies 711100

22 - Music record reproducing companies 334612


For more clarification concerning membership delineation and references to the appropriate NAICS codes (including link references) also refer to Annex C, Venn Diagrams for Clarifying Question B. and Answer to Clarifying Question #1A.
Answer to Clarifying Question #1: C

The last category listed by the applicant is “Music fans/clubs” (see #42 in Table 1). The Panel would like to clarify the individuals and/or entities that would be included in this category.

DotMusic clarifies that only fans that belong to strictly delineated and organized “music fan clubs” are eligible for membership and included in the category. In other words, only “music fan club” entities that have the requisite awareness of the community defined (“a strictly delineated and organized community of individuals, organizations and business, a “logical alliance of communities of a similar nature” that relate to music: the art of combining sounds rhythmically, melodically or harmonically) are members. Casual fans, i.e. those who do not have the requisite awareness of belonging to the community defined, are not eligible.

Some examples to clarify member eligibility include those that belong to recognized music fan clubs or music fan-funding organizations:

- Ten Club – Pearl Jam’s Official Fan Club (See https://pearljam.com/tenclub).
- Compass Records Street Team (See https://compassrecords.com/street-team.php).
- Linkin Park Street Team (See http://linkinpark.com/users/lpuhq/blogs/6065651).
- PledgeMusic (See http://www.pledgemusic.com/site/terms).

For more examples, see Annex E, Music Fan Club Examples for Clarifying Question C.
The application also makes reference to the following description of its community:

.MUSIC relates to the Community by representing all constituents involved in music creation, production and distribution, including government culture agencies and arts councils and other complementor organizations involved in support activities that are aligned with the .MUSIC mission. (application, 20(d))

The Community Priority Evaluation panel would like to clarify to which entities the application is making reference to when citing “other complementor organizations involved in support activities” and whether such organizations fall under one or more of the categories explicitly mentioned in Table 1.

According to the CPE Guidelines with respect to Nexus, there is no AGB language disallowing a community definition and delineation that may include complementary entities and subsets of the community, especially if they are essential components of the community defined (emphasis added). Furthermore, according to the AGB and CPE Guidelines, “scoring of applications against these subcriteria will be done from a holistic perspective, with due regard for the particularities of the community explicitly addressed.”

In order to match the string with the community defined it was vital to include all music constituent types – including complementary entities e.g. government culture agencies, arts councils and/or government agencies related to copyright -- that are considered essential for the smooth functioning of the music (industry) community and its sector’s regulation because music is a copyright industry (See Annex F, Music Sector Background: Music is a Copyright Industry for Clarifying Question D).

As such “complementary organizations involved in support activities…aligned with the .MUSIC mission” are vital to the Nexus of the string to ensure the community is “complete” taking into consideration the primary Oxford Dictionary definition of “complement” defined as “a thing that completes” i.e. that makes whole or in the case of Nexus, it matches completely (emphasis added). According to the Applicant Guidebook and CPE Guidelines, “to receive the maximum score for Nexus, the applied-for string must match the name of the community.”

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18 For example, in the prevailing .SPA CPE Determination, the EIU awarded full points under Nexus stating that “the community as defined by the application also includes entities which are not spas or spa associations, such as distributors and providers of spa-related products and services. As described by the applicant, these affiliated services align closely with core spa services, and nothing in the application suggests that these entities are a non-essential component of the spa community (emphasis added). Furthermore, this category of the spa community is also included in the membership of organizations such as the International Spa Association. This subset of the community, along with the principal spa community, therefore, meets the requirement for “match” with regard to Nexus” (emphasis added) (Pg. 4 and Pg. 5).
19 http://www.oxforddictionaries.com/us/definition/american_english/complement
20 In music terms, “complement” is defined as “the musical interval required with a given interval to complete the octave,” http://www.merriam-webster.com/dictionary/complement
Music is a copyright industry and a regulated sector. As such, the Community defined is subject to government regulation of similar nature (consistent with the definition of the community, which is a logical alliance of communities related to music are of “similar nature.” As such, “complementor organizations involved in support activities” related to the regulation and/or dedicated promotion of music are eligible for registration.

While in other industries some complementors may be considered peripheral industries, the true test of a “matching” complementor is whether the complementor makes the defined community “whole” in alignment with the definition of “complement.” Music is a copyright industry so complementors, such as related government agencies, are essential. If you remove “copyright” and government regulation then the music (industry) community would cease to function as we know it today.

The DotMusic Application did not identify a category under which the “complementor organizations” fall under because the only complementor organization – the International Federation of Arts Councils and Culture Agencies, which is the only organization representing government culture agencies and arts councils globally – is already an mCMO and an essential stakeholder in the community defined as stated in the DotMusic application.21

The corresponding NAICS code for IFACCA is 926110 - Cultural and arts development support program administration which is covered under Administration of General Economic Programs.22 DotMusic has not identified any other such complementor constituent type so a NAICS classification code was not necessary for its application. If another such complementary organization exists then they would apply as an mCMO to qualify for a registration.23

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21 DotMusic’s application states: “DotMusic will be working closely with the International Federation of Arts Councils and Culture Agencies, with national members from over 70 countries comprised of governments’ Ministries of Culture and Arts Councils covering all continents, to ensure country names protection and the promotion of government-related cultural and music initiatives.” (Answer to Question 22) Customized government-tailored policies (such as appeals processes) have also been created to illustrate the significance of these complementor entities: “DotMusic will implement multiple dispute resolution policies to address dispute over any names not reserved by the above provisions; see response to question #20e and #28 and #29…DotMusic will ensure appropriate procedures to allow governments, public authorities or IGO’s to challenge abuses of names with national or geographic significance at the second level. (Answer to Question 22)

22 http://www.bls.gov/cew/doc/titles/industry/industry_titles.htm

23 See http://music.us/mcma and http://music.us/DotMusic_Music_Community_MCMO_Application.pdf for mCMO requirements and application
In addition to the categories of members referred to above, the application also states the following:

Registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership” (application, 20(a)).

The application goes on to cite four provisions related to the above, including: “(i) Qualification criteria as delineated by recognized NAICS codes corresponding to Community member classification music entity types…” (application, 20(a)).

The Community Priority Evaluation panel would like to clarify how “registrants will be verified” and what kind “formal membership” will be required.

As stated Answer to Clarifying Question #1A, music registrants may be verified if they are members of Music Community Member Organizations (mCMOs). As such, they will have the requisite awareness of belonging to the community defined. The Application provides a Landrush registration (members of mCMO’s could also register their domains during General Registration as well as indicated below):

Music Community Member Organization (MCMO) Landrush for registrants with demonstrated MCMO memberships...

MUSIC COMMUNITY MEMBER ORGANIZATION (MCMO) LANDRUSH LAUNCH

This is the second phase of .MUSIC domain registration. It is a limited-time period reserved for members of DotMusic-accredited music Community Member Organizations (mCMO). (Application Answer to Question 18(B)(vi) & 20(e))

The mCMO domain allocation method during the Landrush phase was created by DotMusic to allow Community members to register through established Community organizations. During the General Registration phase the TLD is open to all Community members for registration, but also restricted by Eligibility, Use and other Policies, including enhanced safeguards. (Application Answer to Question 20B).

Alternatively, if a Community member is not a member of an mCMO but has a legitimate purpose in addressing the music community, then that Community member could be delineated by demonstrating requisite awareness and identification with the Community by:

1) Selecting corresponding NAICS subset code (which is limited by DotMusic to solely “Music” constituents), and;
2) Certifying acceptance to the DotMusic Registration Policies aligned with the community-based goals and purpose. This certification aligned with community’s goals applies to all Community members, including mCMO members:

*DotMusic has incorporated enhanced policies to ensure only eligible members of the Music Community who comply with the values, purpose and mission of the TLD can participate; to ensure domains are used in a manner benefiting the Community; to protect intellectual property; and to safeguard domains from malicious conduct and copyright infringement.*

**USE POLICY**

*This policy is in place for .MUSIC registrants regardless of the applicable launch phase. It is developed with extensive participation of Music Community members; tailored to meet the specific needs of the Music Community; and solve issues currently existing in the Music Community related to intellectual property infringement and malicious conduct.*

*The policy is incorporated in the registration agreement for all .MUSIC registrants. DotMusic may modify or revise these use policies at any time...Registrants that do not accept and abide by the registration agreement are disqualified from domain registrations.* (Application Answer to Question 20e)

Only those that are defined by and identify with the sub-set of the NAICS code that relates to “music” would qualify as a member of the Community. These music community-tailored Policies ensure that members have the requisite awareness of belonging to the community. This means entities or individuals with a casual, tangential relationship with the string music are excluded (emphasis added) i.e. only entities or individuals that have the requisite awareness of the Community and have taken affirmative steps to associate with either an mCMO or self-identify with the appropriate sub-set of a corresponding NAICS group are delineated as members (emphasis added).

The Registration Process identification process (See Annex G, Registration Process Flowchart for more information) is aligned with the member’s requisite awareness of the community defined “logical alliance of communities related to music.” After their self-identifying, the Registry will place the registrant/community member into the corresponding premium channel(s) sorted according to music delineation type.

Another step that is mandatory is DotMusic’s 2-Step Authentication that validates members:

*REGISTRY DATA VALIDATION: DotMusic will validate elements of the received WHOIS data as a requirement for domain registration, also providing access to Premium Channels, such as the registrant’s:*  
- Email address through validation links
REGISTRY DATA VALIDATION

While DotMusic will hold the thick WHOIS data provided through registrars, we will also validate elements of the received WHOIS data:

1. The registrant’s email address through validation links
2. The registrant’s phone number through validated PIN-codes

Upon successful completion of these two steps, DotMusic will provide the registrant their Music Community membership details; used to join/access the Premium Channels. All future .MUSIC domains associated with the registrant-verified email address will not be re-verified. (Answer to Question 20e)

As stated in the Answer to Clarifying Question #1A, the AGB also has no language disallowing membership based on participation in the community defined. Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include “a logical alliance members based on categories that are solely community-related” (i.e. in the case of music, they are music-related), “self-identification” in a community (e.g. identifying that they have a tie with the community) or those who have a legitimate purpose in addressing the community (e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose). The AGB also allows for different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types.

As such, DotMusic used the industry standard methodology for defining music industries using NAICS codes, allowing members to “self-identify” their “music” membership with solely the “music” subsets of the NAICS codes that only relate to “music” (emphasis added) so there is no overreaching whatsoever and the community defined and delineated matches the “music” string. In order to match the string with the community defined it was vital to include all music constituent types – including complementary

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24 For example, in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community” (emphasis added) (Pg.2 ).

25 For example, in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members” (emphasis added) (Pg. 2).

26 For example, in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: […] Entities, including natural persons who have a legitimate purpose in addressing the community” (emphasis added) (Pg. 2).

27 For example, in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories” (emphasis added) (Pg. 2).
entities e.g. government culture agencies, arts councils and/or government agencies related to copyright --
that are considered essential for the smooth functioning of the music (industry) community and its
sector’s regulation (since music is a copyright industry). The only NAICS classifications that were
delineated by DotMusic to define the community were those that were considered essential for “music.”
(For a more detailed analysis on the rationale and methodology for selecting the NAICS codes sub-sets in
relation to music (industry) community defined consistent with the AGB and CPE Guidelines, see Annex
A, Community Establishment & Definition Rationale and Methodology).

Furthermore, according to the AGB and CPE Guidelines, “scoring of applications against these
subcriteria will be done from a holistic perspective, with due regard for the particularities of the
community explicitly addressed.” Under Community Establishment, the AGB and CPE Guidelines
pertaining to Delineation outline a “non-exhaustive list denot[ing] elements of straight-forward member
definitions: fees, skill and/or accreditation requirements, privileges or benefits entitled to members,
certifications aligned with community goals, etc.

DotMusic’s application also meets these additional “formal membership” criteria:

(i) Fees e.g. Paid members mCMOs e.g. members of the The Recording Academy

(ii) Skill and/or accreditation requirements e.g. a music creator/musician/songwriter, manager, accountant, lawyer

(iii) Privileges or benefits entitled to members e.g. royalties collected (which are
government regulated because music is copyright industry and a regulated sector); free
exposure/marketing/branding through free mCMOs (such as Reverbnation).

Other benefits and privileges to Community members are inclusion in the DotMusic
Premium Channels and the Song Registry:

**INNOVATIVE PREMIUM NAMES RESERVATIONS:**

*DotMusic will reserve premium names that will be used in an innovative manner
to benefit eligible members including the development of Premium Channels,
such as genres (e.g Rock.MUSIC), that will define the locale web of music,
promote Community members based on their classification/category, and
improve music discovery. (Answer to Question 20e)*

*Developing the Music Community Social Network Premium Domain Channels
(Premium Channels) sorted by NAICS classifications and category types e.g.
genre/language. They will leverage Search Engine Optimization (SEO) best
practices to improve .MUSIC site search result rankings. The objective is for
.MUSIC domains to signal a badge of trust that enables search engines to
provide music consumers more relevant and safer search results while reducing
infringing and unlicensed rogue websites. Premium Channel development will
also include a global *Song Registry*. (Answer to Question 20c)*
(iv) Certifications aligned with community goals e.g. All Community members must certify their agreement to the music-tailed DotMusic Registration Policies:

DotMusic has incorporated enhanced policies to ensure only eligible members of the Music Community who comply with the values, purpose and mission of the TLD can participate; to ensure domains are used in a manner benefitting the Community; to protect intellectual property; and to safeguard domains from malicious conduct and copyright infringement.

USE POLICY

This policy is in place for .MUSIC registrants regardless of the applicable launch phase. It is developed with extensive participation of Music Community members; tailored to meet the specific needs of the Music Community; and solve issues currently existing in the Music Community related to intellectual property infringement and malicious conduct.

The policy is incorporated in the registration agreement for all .MUSIC registrants. DotMusic may modify or revise these use policies at any time...Registrants that do not accept and abide by the registration agreement are disqualified from domain registrations. (Answer to Question 20e)

Dispute mechanisms, compliance efforts, and data validation processes will provide an added level of trust. (Answer to Question 18a)

As indicated, with registration, community members are mandated to certify that they align with the community goals and mission and music-tailed registration policies, including to certify that their activity will only relate to legal music activities and content (See Content and Use policy) and be subject to the music-tailed MPCIDRP, including dispute resolution and appeals processes. As mentioned earlier, all registrants must also go through 2-Step authentication to certify authenticity and to increase safety and trust (e.g. to eliminate impostors, impersonators and/or cybersquatters). These processes also improve quality control with respect to enforcing the Name Selection policy. Other quality control policies that are part of the certification agreement include the Content and Use policy that only allows legal music content and use i.e. no one can use a .MUSIC domain without music-related content. This will eliminates peripheral entities or entities that have no association with music. Also, registrants must certify that they will not have a parked page, which eliminates cybersquatters and domain speculators/investors and ensures higher quality, music related content.
Annexes

Annex A – Community Establishment & Definition Rationale and Methodology
Annex B – Venn Diagrams for Clarifying Question A
Annex C – Venn Diagrams for Clarifying Question B
Annex D – Venn Diagram for Community Definition and Nexus
Annex E – Music Fan Club Examples for Clarifying Question C
Annex F – Music Sector Background: Music is a Copyright Industry for Clarifying Question D
Annex G – Registration Policies Flowchart for Clarifying Question E
Annex H – Independent Nielsen / Harris Poll for Community Establishment and Nexus
Annex I – Community Application Overview, Specifications and Applicant Comparison Matrix
Annex J – Community Application Analysis with Respect to CPE Guidelines
Annex K – Forty-three (43) Expert Testimonies
ANNEX A
Community Establishment & Definition Rationale and Methodology

Neither the Applicant Guidebook (the “AGB”) nor the CPE Guidelines provided a concrete meaning for “define” and “definition” (emphasis added). Furthermore, the AGB requires only that the constituents of a community be members of that community. There was no requirement that members of a community “act” as a community nor does the AGB say anything about how community members must “associate themselves.” The AGB also has no language disallowing membership based on participation in the community defined.1 Furthermore, a non-exhaustive list of membership criteria was allowed by the AGB, which may include “a logical alliance members based on categories that are solely community-related” (i.e. in the case of music, they are music-related),2 “self-identification” in a community (e.g. identifying that they have a tie with the community) or those who have a legitimate purpose in addressing the community (e.g. by certifying to abide to a set of community-tailored registration requirements that are aligned with the goals of the community i.e. are aligned with the community’s mission and purpose).3 The AGB also allows for different types of membership just as long as there is demonstrable involvement in community-related activities that may vary among member constituent types.4 In addition, according to the CPE Guidelines with respect to Nexus, there is no AGB language disallowing a community definition and delineation that may include complementary entities and subsets of the community, especially if they are essential components of the community defined (emphasis added).5

As such, DotMusic used the industry standard methodology for defining music industries using NAICS codes, allowing members to “self-identify” their “music” membership with solely the “music” subsets of the NAICS codes that only relate to “music” (emphasis added) so there is no overreaching whatsoever and the community defined and delineated matches the “music” string. In order to match the string with the community defined it was vital to include all music constituent types – including complementary entities e.g. government culture agencies, arts councils and/or government agencies related to copyright -- that are considered essential for the smooth functioning of the music (industry) community and its sector’s regulation (since music is a copyright industry). The only NAICS classifications that were delineated by DotMusic to define the community were those that were considered essential for “music.”

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1 For example, in the prevailing .RADIO CPE Determination, the EIU was able to conclude that the .RADIO community is “clearly defined” and that, solely on the basis of being “participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community” (emphasis added) (Pg.2 ) .
2 For example, in the prevailing .HOTEL CPE Determination, the EIU awarded full points for Community Establishment for a community definition that is comprised of “categories [that] are a logical alliance of members” (emphasis added) (Pg. 2)
3 For example, in the prevailing .OSAKA CPE Determination, the EIU awarded full points for Community Establishment and Nexus for a community definition that stated that: “[m]embers of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following: […] Entities, including natural persons who have a legitimate purpose in addressing the community” (emphasis added) (Pg. 2).
4 For example, in the prevailing .ECO CPE Determination, the EIU awarded full points for Community Establishment stating that “the application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.” This involvement may vary among member categories” (emphasis added) (Pg. 2).
5 For example, in the prevailing .SPA CPE Determination, the EIU awarded full points under Nexus stating that “the community as defined by the application also includes entities which are not spas or spa associations, such as distributors and providers of spa-related products and services. As described by the applicant, these affiliated services align closely with core spa services, and nothing in the application suggests that these entities are a non-essential component of the spa community” (emphasis added). Furthermore, this category of the spa community is also included in the membership of organizations such as the International Spa Association. This subset of the community, along with the principal spa community, therefore, meets the requirement for “match” with regard to Nexus” (emphasis added) (Pg. 4 and Pg. 5).
This standard NAICS methodology has been adopted by the most prominent music industries and cities studies ever conducted (Georgia, Nashville, Seattle, Detroit, Austin, Chicago, Cleveland and Memphis) in defining, clustering and assessing their local music community’s impact with organized and delineated criteria, which is consistent with the Applicant Guidebook with respect to Delineation and CPE Determinations.

This NAICS methodology for defining the music (industry) community is standard in research studies:

Several studies have collected data regarding urban music scenes and their economic impact on Metropolitan Statistical Areas (MSAs), including Austin (Texas), Seattle (Washington), Nashville (Tennessee), Atlanta (Georgia), and Memphis (Tennessee). In general, these estimates tally businesses and people associated with music scenes through various sources, and use a multiplier to estimate the economic impact of these businesses and individuals. Edmiston and Thomas (2004) use commercial data from ReferenceUSA, which categorizes businesses by SIC code. Beyers et al. (2004) use U.S. Census data to estimate music-related establishments, employment, and economic impact in the Seattle area. Austin’s study (2001) uses U.S. Census data, as well as data from the Texas Music Office, a Texas state government entity charged with promoting the Texas music industry and compiling useful statewide information. Raines and Brown (2006) use ReferenceUSA and U.S. Census data, along with survey data from the local music community, to estimate employment and economic impact around Nashville, Tennessee.

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7 http://www.nashville.gov/Portals/0/SiteContent/MayorsOffice/EcDev/NashvilleMusicIndustryStudy.pdf, Pg. 14-16
14 The EIU also used the NAICS to delineate the prevailing RADIO CPE determination. The prevailing HOTEL community applicant also used the ISO 18513:2003 classification code for its delineation (The prevailing .SPA and .ECO community applications passed CPE without using industry classifications as part of their delineation).
Each of these studies serves as a useful reference tool regarding local music scenes in established music cities.\textsuperscript{15}

DotMusic also selected NAICS for delineation because it is the most contemporary system of classification:

\textit{In contrast to the SIC system, NAICS identifies hundreds of new and emerging industries.}\textsuperscript{16}

Furthermore, the NAICS was chosen because it is the standard method for classifying music industries as highlighted in many prominent studies and reports. A reason for the use of NAICS for music (industry) community delineation is the nature of music being a copyright industry. The NAICS is allows for a more accurate delineation of industries that specifically distribute copyrighted works (such as the music (industry) community):

NAICS codes may also permit more precise recognition of the industries that specifically distribute copyright protected works.\textsuperscript{17}

In a study by the Creative Economy Coalition on recent definitions and approaches of measurement of creative economies, such as music, there was emphasis on individuals and entities engaging in activities that involve the creation, production, distribution and usage of goods and/or services, such as in the case of music:

\begin{quote}
[T]here seems to be reasonably strong congruence around the idea that the creative economy involves both individuals and entities who engage in activities that add value to society in one or more ways through the provision of goods and/or services that are inextricably linked to human creativity manifesting itself in one or more dimensions throughout the process of ideation, creation, production, distribution, and use.\textsuperscript{18}
\end{quote}

DotMusic’s methodology was adopted based on the widespread use of NAICS code to define creative industries and communities. For example, according to the Creative Economy Coalition’s research concerning reports related to defining creative industries, nearly all used an array of related NAICS codes to define creative industries:

\begin{quote}
Thirteen NAICS codes were used by 24 or more of the 25 reports; i.e., all or virtually all participants.... Our research suggests that the 39 NAICS codes used by 75% or more of the reports (i.e., 18 or more of the 25) could be considered a strong concurrence set of NAICS codes.
\end{quote}

\textsuperscript{15} Erik Porse, Innovation and Production Networks in Regional Music Scenes, George Mason University, http://www.meiea.org/Journal/html_ver/Vol07_No01/2007_Vol 7_No 1 A2.htm


\textsuperscript{17} Ibid, Pg.24

\textsuperscript{18} Christine Harris, Margaret Collins, Dennis Cheek, America’s Creative Economy: A Study of Recent Conceptions, Definitions, and Approaches to Measurement across the USA, Creative Economy Coalition (CEC), a Working Group of the National Creativity, Network, August, 2013, https://www.arts.gov/sites/default/files/Research-Art-Works-Milwaukee.pdf, Pg.2
codes...to be jointly considered in the framing of a definition. (which in the case of DotMusic is the music (industry) defined).

A few NAICS codes define a broader industry set, so would include a wider remit than music. For example, a music lawyer is defined by NAICS code 541110 (Offices of Lawyers). However, other types of lawyers (e.g. divorce lawyers) are also defined by the same NAICS category code 541110:

[The] U.S. Census data can effectively estimate many categories, but lack specificity in the NAICS codes for some music-related businesses. This lack of specificity leads to overestimation in the absence of further crosschecking or validation.

This is why DotMusic’s application has specified that only the “music” subset of the NAICS code qualifies for membership in the defined community for the applied-for string. So in the case of lawyers, only music lawyers would qualify as an eligible community member while divorce lawyers would not. Each NAICS industry group cited by DotMusic only includes the music subset i.e. this is why DotMusic added the word “music” as a requisite for each classification code so there is no overreaching beyond the community defined, “a delineated and organized logical alliance of communities of similar nature related to music” and to ensure only music constituents can register a .MUSIC domain. This way any entities related to a broader industry other than music would be excluded from the community defined by DotMusic. (emphasis added)

The comprehensive study conducted by State of Georgia on the “Economic and Fiscal Impact Analysis of the Music Industry in Georgia” defined, organized and delineated its “Music Industry Definition and Description” using NAICS codes (which was the same industry standard methodology that DotMusic adopted to delineate and organize the community defined):

The music industry is defined for this analysis as being composed of the subsectors described by the NAICS (North American Industrial Classification System) codes presented in Table E-1. Official NAICS codes do not go beyond the 6-digit classifications shown in the table, and some contain non-music elements. Steps were taken to minimize the inclusion of non-music elements by examining the individual firms which comprise

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19 Ibid, Pg.4
20 Ibid, Pg.86
21 For example, the fact that recently reformulated NAICS codes lump arts, entertainment and sports together makes it more difficult for researchers to distinguish arts [e.g. music] from other elements." (See Ann Markusen (University of Minnesota), Gregory H. Wassall (Northeastern University), Douglas DeNatale (Community Logic, Inc), Randy Cohen (Americans for the Arts), Defining the Cultural Economy: Industry and Occupational Approaches, November 2006, Pg.8 and Pg.9, http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.542.4308&rep=rep1&type=pdf). To ensure that the delineation is consistent with the community defined and matches the applied-for string, DotMusic’s application specifically restricts eligibility to only the “music” subset of any NAICS code (See Venn diagrams for more detail).
22 Ibid
each sector. For example, “Promoters of Performing Arts with Facilities” also includes sports, so all firms that contained sports references were eliminated from the data; similar filtering was done for other sound recording studios.

This definition of the music industry is very similar to that used in two studies done by Georgia State University in 2003 (Edmiston, Kelley, and Marcus Thomas, “The Commercial Music Industry in Atlanta and the State of Georgia: An Economic Impact Study,” Fiscal Research Program Georgia State University (report FRC-85), August 2003.) updated in 2005 (Rushton, Michael and Marcus Thomas, “The Economics of the Commercial Music Industry in Atlanta and the State of Georgia: Industrial Organization and New Estimates of Economic Impacts,” Fiscal Research Program Georgia State University, February, 2005). The primary difference between the industry definition used in this analysis and that used previously is that this definition is in terms of NAICS sectors:

<table>
<thead>
<tr>
<th>NAICS Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>334310</td>
<td>Household Audio and Video Equipment Manufacturing</td>
</tr>
<tr>
<td>334610</td>
<td>CD, Tape and Record Production</td>
</tr>
<tr>
<td>339992</td>
<td>Musical Instrument Manufacturing</td>
</tr>
<tr>
<td>451140</td>
<td>Musical Instrument and Supplies Stores</td>
</tr>
<tr>
<td>451220</td>
<td>Prerecorded Tape, CD, and Record Stores</td>
</tr>
<tr>
<td>512210</td>
<td>Record production</td>
</tr>
<tr>
<td>512220</td>
<td>Integrated record production/distribution</td>
</tr>
<tr>
<td>512230</td>
<td>Music Publishers</td>
</tr>
<tr>
<td>512240</td>
<td>Sound Recording Studios</td>
</tr>
<tr>
<td>611610</td>
<td>Fine Arts Schools</td>
</tr>
<tr>
<td>711130</td>
<td>Musical Groups and Artists</td>
</tr>
<tr>
<td>711310</td>
<td>Promoters of Performing Arts with Facilities</td>
</tr>
<tr>
<td>711320</td>
<td>Promoters of Performing Arts without Facilities</td>
</tr>
<tr>
<td>711410</td>
<td>Agents</td>
</tr>
<tr>
<td>711510</td>
<td>Independent Artists, Writers, and Performers&lt;sup&gt;24&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

The Georgia Music Industry Study further substantiated NAICS as the standard for defining, organizing and delineating music (industry) communities:

[All] of the data used to describe the music industry is organized by NAICS (North American Industrial Classification System) codes:

| Table 2-1: Music Industry Definition and Components |

<sup>24</sup> Ibid, Pg.2 and Pg.3
**Home Audio Equipment Manufacturing** (NAICS 33410):

- Amplifiers (e.g., auto, home, musical instrument, public address) manufacturing
- Automobile radio receivers manufacturing
- Car stereos manufacturing
- Coin-operated jukebox manufacturing
- Compact disc players (e.g., automotive, household-type) manufacturing
- Home stereo systems manufacturing
- Home tape recorders and players (e.g., cartridge, cassette, reel) manufacturing
- Home theater audio and video equipment manufacturing
- Jukeboxes manufacturing
- Loudspeakers manufacturing
- Microphones manufacturing
- Portable stereo systems manufacturing
- Radio headphones manufacturing
- Radio receiving sets manufacturing
- Speaker systems manufacturing
- Tape players and recorders, household-type, manufacturing

**CD, Tape, and Record Production** (NAICS 334611, 334612, and 334613):

- CD-ROM, software, mass reproducing
- Compact discs (i.e., CD-ROM), software, mass reproducing
- Cassette tapes, pre-recorded audio, mass reproducing
- Compact discs, prerecorded audio, mass reproducing
- Phonograph records manufacturing
- Pre-recorded magnetic audio tapes and cassettes mass reproducing
- Audiotape, blank, manufacturing
- Blank tapes, audio and video, manufacturing
- Compact discs, recordable or rewritable, blank, manufacturing
- Diskettes, blank, manufacturing
- Magnetic and optical media, blank, manufacturing
- Magnetic recording media for tapes, cassettes, and disks, manufacturing
- Magnetic tapes, cassettes and disks, blank, manufacturing
- Tapes, magnetic recording (i.e., audio, data, video), blank, manufacturing

**Musical Instrument Manufacturing** (NAICS 339992)

**Musical Instrument and Supplies Stores** (NAICS 451140)

**Prerecorded Tape, CD, and Record Stores** (Naics 451220):
Music stores (e.g., cassette, compact disc, record, tape)
Record stores, new

Record Production (NAICS 512210)

Integrated Record Production/Distribution (NAICS 512220)

Music Publishers (NAICS 512230)

Sound Recording Studios (NAICS 512240)

Other Sound Recording Studios (NAICS 512290):

Music program distribution, pre-recorded
Radio program tape production (except independent producers)
Recording seminars and conferences, audio
Stock music and other audio services
Stock sound library (e.g., general background sounds, stock music)

Fine Arts Schools (NAICS 611610):

Conservatory of music (except academic)
Music instruction (e.g., guitar, piano)
Music schools (except academic)
Performing arts schools (except academic)
Schools, music (except academic)
Voice instruction

Musical Groups and Artists (NAICS 711130)

Promoters of Performing Arts with and without Facilities (NAICS 711310 and 711320):

Arts event managers, organizers and promoters
Arts festival managers, organizers and promoters
Concert hall operators
Concert booking agencies
Concert Managers, Organizers and Promoters
Live arts center operators
Live theater operators
Managers of arts events
Managers of festivals
Managers of live performing arts productions (e.g., concerts)
Music Festival Managers, Organizers, and Promoters
Organizers of live performing arts productions (e.g., concerts)
Performing arts center operators
Promoters of live performing arts productions (e.g., concerts)

Agents (NAICS 711410)

Independent artists, Writers, and Performers (NAICS 711510)\(^{25}\)

Another comprehensive Study by the Music City Music Council called Nashville Music Industry: Impact, Contribution and Cluster Analysis\(^{26}\) also used NAICS codes to define its (industry) community using cluster sectors that make up the Nashville Music Industry (which was the same industry standard methodology that DotMusic adopted to delineate and organize the community defined).\(^{27}\)

\[F\]irms will be identified with primary and secondary NAICS classifications. The choices of organizing segments of music derive from a body of research that fashions various approaches. Since the music industry at its heart is a “copyright industry,” it is useful to note the constant evolution of the industry and to recognize that particular components will always be shifting in the mix of the industry (Wikstrom, 2009).\(^{28}\)

The Nashville Music Industry Study noted that there is no single classification code available that covers the entire scope of the music community:

\textit{No single standardized measurement classification, such as NAICS (North American Industry Classification System), offers a singular grouping for music.}\(^{29}\)

This is why DotMusic did not use a singular NAICS classification code to delineate and organize the community defined. Taking such a methodology would overreach substantially because major categories of music constituent types would be excluded.

The NAICS categorization and clustering methodology was also adopted by another music industry economic study conducted for the City of Seattle’s Office of Economic development to present findings on the economic impact of Seattle’s music industry (which was the same industry standard methodology that DotMusic adopted to delineate and organize the community defined).\(^{30}\)

Another similar Study was conducted by the Anderson Economic Group on the Music Business in Detroit,\(^{31}\) which also used the NAICS methodology to “fit [their] definition of the music industry:”

\(^{25}\) Ibid, Pg.13-15
\(^{26}\) http://www.nashville.gov/Portals/0/SiteContent/MayorsOffice/EcDev/NashvilleMusicIndustryStudy.pdf
\(^{27}\) Ibid, Pg.14
\(^{28}\) Ibid, Pg.11
\(^{29}\) Ibid, Pg.15 and Pg.16
To help gather data that fit our definition of the music industry, we identified the following NAICS codes:

33999 Musical Instrument Manufacturing  
45114 Music Instrument and Supplies Stores  
51222 Integrated Record Production/Distribution  
51223 Music Publishers  
51224 Sound Recording Studios  
51229 Other Sound Recording Industries  
61161 Fine Arts Schools  
71113 Musical Groups and Artists  
71131 Promoters of Performing Arts, Sports and Similar Events with facilities  
71132 Promoters of Performing Arts, Sports and Similar Events without facilities  
71151 Independent Artists, Writers and Performers

Traditional Business Data for estimating the size of the music industry and benchmarking the music industry...came from the U.S Census Bureau...using ...NAICS codes.

The same methodology was also used by the Center for Economic Development in its study of the Cleveland music sector (which was the same industry standard methodology that DotMusic adopted to delineate and organize the community defined):

The Cleveland Music Sector was defined and studied using occupational data from the U.S. Bureau of Labor Statistics...The music sector was defined in terms of core music occupations and support music occupations.

The Cleveland Music Sector was also defined and studied by the industries it encompasses. The Center for Economic Development designed a methodology describing an industry-based Cleveland Music Sector by using a computer program capable of identifying music-related industries through keyword searches (Chapters 1 and 9). Using this program, the Center defined the Cleveland Music Sector as encompassing musicians and music venues from 45 unique industry codes in the North American Industry Classification System (NAICS). See Appendix 1-1 for brief descriptions of the 45 NAICS codes included as part of the Cleveland Music Sector’s industry-based definition.

The first step in defining the Cleveland Music Sector was to identify and collect the NAICS codes of industries that are involved both with music and music-related activities.... The preceding steps yielded a total of 45 unique music and music-related NAICS codes. Of those 45, all the

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32 Ibid, Pg.4  
33 Ibid, Appendix A. Methodology  
35 Ibid, Pg.xiv  
36 Ibid, Pg.xv
establishments (companies) in 10 NAICS codes were determined to be completely related to music. These 10 NAICS codes are listed in Table 1-1 (See below). The additional 35 NAICS codes were identified as encompassing both music-related and non-music-related establishments.\footnote{Ibid, Pg.1}

### Table 1-1: Industry Sectors Encompassing All Music-Related Establishments NAICS Code

<table>
<thead>
<tr>
<th>NAICS Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>334310</td>
<td>Audio and Video Equipment Manufacturing</td>
</tr>
<tr>
<td>334612</td>
<td>Prerecorded Compact Disc (except Software), Tape, and Record Producing</td>
</tr>
<tr>
<td>339992</td>
<td>Musical Instrument Manufacturing</td>
</tr>
<tr>
<td>451140</td>
<td>Musical Instrument and Supplies Stores</td>
</tr>
<tr>
<td>451220</td>
<td>Prerecorded Tape, Compact Disc, and Record Stores</td>
</tr>
<tr>
<td>512210</td>
<td>Record Production</td>
</tr>
<tr>
<td>512230</td>
<td>Music Publishers</td>
</tr>
<tr>
<td>512240</td>
<td>Sound Recording Studios</td>
</tr>
<tr>
<td>512290</td>
<td>Other Sound Recording Industries</td>
</tr>
<tr>
<td>711130</td>
<td>Musical Groups and Artists</td>
</tr>
</tbody>
</table>

### Table 1-2: Music Subsectors by NAICS Code

<table>
<thead>
<tr>
<th>NAICS Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>611610</td>
<td>Fine Arts Schools</td>
</tr>
<tr>
<td>712110</td>
<td>Museums</td>
</tr>
<tr>
<td>334310</td>
<td>Audio and Video Equipment Manufacturing</td>
</tr>
<tr>
<td>334612</td>
<td>Prerecorded Compact Disc (except Software), Tape, and Record Producing</td>
</tr>
<tr>
<td>339992</td>
<td>Musical Instrument Manufacturing</td>
</tr>
<tr>
<td>711110</td>
<td>Theater Companies and Dinner Theaters</td>
</tr>
<tr>
<td>711130</td>
<td>Musical Groups and Artists</td>
</tr>
<tr>
<td>711510</td>
<td>Independent Artists, Writers, and Performers</td>
</tr>
<tr>
<td>425120</td>
<td>Wholesale Trade Agents and Brokers</td>
</tr>
<tr>
<td>511110</td>
<td>Newspaper Publishers</td>
</tr>
<tr>
<td>515111</td>
<td>Radio Networks</td>
</tr>
<tr>
<td>515112</td>
<td>Radio Stations</td>
</tr>
</tbody>
</table>

\footnote{Ibid, Pg.2 \footnote{Ibid, Pg.3}}
The City of Austin Economic Development Department's Music & Entertainment Division also released a study on the Austin Music Industry that used NAICS codes and the categorization and sub-categorization methodology of delineating and organizing the Austin Music Industry. The Study re-affirms once again that research studies typically use NAICS codes for categorization to ensure standardization of methodology approach, consistency and comparability. However since there is no single category to delineate and organize the entire music (industry) community, segmentation using sectors and sub-sectors
is required (which was the same industry standard methodology that DotMusic adopted to delineate and organize the community defined):\textsuperscript{40}

Typically...research studies...will use the U.S. Federal North American Industry Standard Classification System (NAICS) codes to categorize respondent data. This approach has the advantage of making the data easily comparable to other research studies that use the same method, which can be useful for comparisons or other activities. However, a drawback to using this system to measure the Music Industry is that the standard NAICS classifications do not directly map to the way the Music Industry operates or describes itself.

The segmentation design contains 33 main Music Industry job sectors (and 74 sub-sectors) using common music industry job terminology, and then contains an internal (invisible to the respondent) mapping system, in which each of these “common” job descriptions is then mapped to an NAICS Sector and Subsector. For the purposes of the Austin Music Census, all of the analysis is explained using the common industry job descriptions rather than NAICS classifications...The core of this economy of course is the musicians, but the presence of those musicians spin off the creation of at least 13 other major NAICS economic activity sectors (and a correlating 66 sub-sectors):\textsuperscript{41}

The thinking and strategic planning around any city-based “Music Industry” is better understood as a number of industries that comprise a large economic system based around commercial music.\textsuperscript{42}

The NAICS classification methodology to define the music (industry) community was also adopted by the Texas Music Office, which delineated the music industry through “conversion of music industry-related Standard Industrial Classification (SIC) codes into North American Industry Classification System (NAICS) codes:**\textsuperscript{43}

**SIC to NAICS 2007 Conversion**

**COMMERCIAL MUSIC**

(7311) Advertising Agencies | 541810 [Advertising Agencies]
(8999) Arrangers/Composers | 711510 [Independent Artists, Writers, and Performers incl. Composers, independent and Music arrangers, independent]
(4832) Environmental/Business Music | 513112 [Radio stations incl. Piped-in music services, Radio transmitted]
(8999) Film/Industrial Scoring | 711510 [Independent Artists, Writers, and Performers]
(4832) Jingles and advertising soundtracks | 541840 [Media Representatives]
(4832) Sound effects libraries | 513110 [Radio Broadcasting]

\textsuperscript{40} Austin Music Census, The City of Austin Economic Development Department’s Music & Entertainment Division, June 2015, \url{https://www.austintexas.gov/sites/default/files/files/Austin_Music_Census_Interactive_PDF_53115.pdf}
\textsuperscript{41} Ibid, Pg.38
\textsuperscript{42} Ibid, Pg.39
\textsuperscript{43} \url{http://gov.texas.gov/music/guides/naics}
EDUCATION
(8222) Community and technical college music programs | 611210 [Junior colleges]
(8211) Performing arts elementary/secondary schools | 611110 [Elementary and Secondary Schools]
(8231) Music Archives | 519120 [Music Archives]
(8299) Music Camps | 611610 [Fine arts schools]
(8299) Music Instruction Materials | 611610 [Fine arts schools]
(8299) Private Music Schools or instruction | 611610 [Fine arts schools]
(8221) University and college music programs | 611310 [Colleges, Universities, and Professional Schools]

INDUSTRY SERVICES
(8721) Accountants | 541211 [Offices of Certified Public Accountants]
(7336) Art/Creative studios | 541430 [Graphic design services]
(7922) Artist Management | 711410 [Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures]
(8111) Attorneys | 541110 [Offices of Lawyers]
(6399) Insurance | 524128 [Other Direct Insurance (except Life, Health, and Medical) Carriers]
(6021) Financial Institutions/Banks | 522110 [Commercial Banking]
(9999) Mobile DJs/Karaoke | 711510 [Independent Artists, Writers, and Performers incl. Announcers, independent radio and television]
(6794) Music administration/clearance | 512230 [Music Publishers incl. Music copyright authorizing use and Music copyright buying and licensing]
(6794) Music business consultants | 541611 [Management Consulting Services]
(2754) Music engraving | 323111 [Commercial Gravure Printing]
(6794) Music publishers | 512230 [Music Publishers]
(8049) Music therapy | 621340 [Offices of Physical, Occupational and Speech Therapists, and Audiologists incl. Music therapists' offices (e.g., centers, clinics)]
(7375) Record stores | 451220 [Prerecorded Tape, Compact Disc, and Record Stores]
(8600) Organizations/Associations | 813920 [Professional organizations]
(7221) Photographers | 541921 [Photography Studios, Portrait]
(8049) Physicians/Music medicine | 621399 [Offices of All Other Miscellaneous Health Practitioners]
(8743) Publicists | 541820 [Public Relations Agencies]
(8600) Unions | 813930 [Labor Unions and Similar Labor Organizations]

MEDIA
(2711) Daily newspapers | 511110 [Newspaper Publishers]
(2711) College newspapers | 511110 [Newspaper Publishers]
(2721) Weekly publications | 511120 [Periodical Publishers]
(2721) Monthly publications | 511120 [Periodical Publishers]
(2721) Publications on-line only | 511120 [Periodical Publishers]
(2721) Publications/Journals | 511120 [Periodical Publishers]
(8999) Freelance journalists | 711510 [Independent Artists, Writers, and Performers incl. Freelance journalists]
(4832) Radio consultants | 813920 [Consultants' associations]
(4832) Radio Stations | 515112 [Radio Stations]
(4832) Internet Radio Stations | 519130 [Internet Radio Stations]
(4833) Television programming | 515120 [Broadcasting stations, television]

MUSIC VIDEOS
(7812) Soundstages | 512110 [Motion Picture and Video Production]
(7822) Video distribution | 512120 [Motion Picture and Video Distribution]
(7812) Video postproduction and duplication | 512191 [Teleproduction and Other Postproduction Services]
(7812) Video production | 512110 [Motion Picture and Video Production]

MUSICAL INSTRUMENTS AND EQUIPMENT
(3651) Electrical equipment-Manufacturers | 334310 [Audio and Video Equipment Manufacturing]
(3161) Instrument and touring cases | 316991 [Luggage incl. Cases, musical instrument, manufacturing]
(3931) Musical instruments-manufacturers | 339992 [Musical Instrument Manufacturing]
(7359) Musical instruments-rental | 532299 [All Other Consumer Goods Rental incl. Musical instrument rental]
(7699) Musical instruments-repair | 811490 [Other Personal and Household Goods Repair and Maintenance incl. “Musical instrument repair shops without retailing new musical instruments” and “Tuning and repair of musical instruments”]
(5736) Musical instruments-rental | 451140 [Musical Instrument and Supplies Stores]
(5932) Musical instruments-used | 453310 [Used Merchandise Stores incl. Music stores (e.g., cassette, instrument, record, tape), used]
(5099) Musical instruments-wholesale/distribution | 423990 [Other Miscellaneous Durable Goods Wholesalers]
(5736) Sheet music suppliers-Retail/wholesale | 451140 [Musical Instrument and Supplies Stores incl. Sheet music stores]

RECORD PRODUCTION, DISTRIBUTION, AND SALES
(3652) Cassette duplication | 334612 [Prerecorded Compact Disc (except Software), Tape, and Record Reproducing]
(3652) CD manufacturers | 334612 [Prerecorded Compact Disc (except Software), Tape, and Record Reproducing]
(7993) Jukeboxes | 713990 [All Other Amusement and Recreation Industries] or 334310 [Audio and Video Equipment Manufacturing incl. jukebox manufacturing]
(5099) Record distributors | 512220 [Sound recording, releasing, promoting, and distributing]
(2782) Record jacket, CD booklet, J-card mfrgs. | 323118 [Blankbook, Looseleaf Binders, and Devices manufacturing]
(3652) Record labels | 512220 [Integrated Record Production/Distribution]
(3652) Record pressing plants | 334612 [Prerecorded Compact Disc (except Software), Tape, and Record Reproducing]
(4832) Record promotion and record pools | 513111 [Radio Networks]
(5735) Record stores | 451220 [Prerecorded Tape, Compact Disc, and Record Stores]
(4832) Retail marketing | 541613 [Marketing consulting services]
RECORDING SERVICES
(7389) Audio engineers  |  541330 [Engineering Services]
(3695) Audiotape-manufacturers/retail  |  334613 [Magnetic and Optical Recording Media Manufacturing incl. Audiotape, blank, manufacturing]
(7389) Mastering  |  512290 [Other Sound Recording Industries]
(7389) Mobile recording studios  |  512240 [Sound Recording Studios]
(7389) Record producers  |  512210 [Record Production incl. Record producers (except independent)]
(7289) Recording studios  |  512240 [Sound Recording Studios] or [Recording studios, sound, operating on a contract or fee basis] or [Sound recording studios (except integrated record companies)]
(7389) Rehearsal studios  |  512240 [Sound Recording Studios]
(1542) Studio and audio design/construction/consultation  |  236220 [Radio and television broadcast studio construction]
(3663) Studio equipment mfrs/sales/rental  |  532490 [Other Commercial and Industrial Machinery and Equipment Rental and Leasing incl. TV broadcasting and studio equipment rental or leasing]

TOUR SERVICES
(7922) Annual events  711310  |  [Promoters of Performing Arts, Sports, and Similar Events with Facilities]
(7922) Booking agents  711320  |  [Promoters of Performing Arts, Sports, and Similar Events without Facilities]
(7922) Concert and event production  |  711320 [Promoters of Performing Arts, Sports, and Similar Events without Facilities]
(3648) Lighting-manufacturers and supplies  |  335129 [Other Lighting Equipment Manufacturing incl. Stage lighting equipment manufacturing]
(7922) Lighting-services  |  541490 [Lighting design services]
(1731) PA systems/sound reinforcement  |  334610 [Audio and Video Equipment Manufacturing incl. Public address systems and equipment mfr or 235310 [Electrical contractors]
(7359) PA/Staging equipment-rental  |  532490 [Audio visual equipment rental or leasing]
(7922) Promoters  |  711320 [Promoters of Performing Arts, Sports, and Similar Events without Facilities]
(7381) Security  |  561612 [Security Guards and Patrol Services]
(1799) Staging/stage construction  |  711310 [Stage set (e.g., concert, motion picture, television) erecting and dismantling, independent]
(2759) Ticket printing  |  323119 [Other Commercial Printing]
(7922) Ticket sales outlets  |  561599 [All Other Travel Arrangement and Reservation Services incl. Ticket agencies, theatrical]
(4142) Tour buses/transportation  |  532120 [Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing incl. Bus rental or leasing and Trailer rental or leasing]
(1799) Tour management and personnel  |  541611 [General management consulting services]

VENUES
(6512) Auditoriums/Arenas  |  711310 [Promoters of Performing Arts, Sports, and Similar Events with Facilities]
(5813) Clubs/Dancehalls  |  722410 [Drinking Places (Alcoholic Beverages) incl. Night clubs, alcoholic beverage] 713990 [All Other Amusement and Recreation Industries incl. Dance halls, Ballrooms, and Night clubs without alcoholic beverages]
The University of Memphis also released a study that assessed local music industries and also used the NAICS classification methodology to delineate and organize the music industry in categories:

Commercial music studios, producers, promoters, bands, lawyers, singers, musicians, retail establishments, teachers, professors, and others form parts of the complex fabric of the music industry in the city....The data in Table 5 contain business employment and payroll information for Shelby County, Tennessee (Memphis), Davidson County, Tennessee (Nashville), and Travis County, Texas (Austin) provided by the United States Department of Labor, Bureau of Labor Statistics (BLS).

Since data for some segments are not released by BLS because of confidentiality restrictions, the data tend to understate the number of businesses, employment, and payrolls that could properly be attributed to the music industry. But, it does help in benchmarking the music industry in this area.

**Table 5**

<table>
<thead>
<tr>
<th>NAICS</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>51223</td>
<td>Music Publishers</td>
</tr>
<tr>
<td>339992</td>
<td>Musical Instrument Mfg.</td>
</tr>
<tr>
<td>33431</td>
<td>Audio and Video Equipment Mfg.</td>
</tr>
<tr>
<td>45114</td>
<td>Musical Instrument and Supplies Stores</td>
</tr>
<tr>
<td>71113</td>
<td>Musical Groups and Artists</td>
</tr>
<tr>
<td>71151</td>
<td>Independent Artists, Performers, and Writers</td>
</tr>
<tr>
<td>51224</td>
<td>Sound Recording Studios</td>
</tr>
<tr>
<td>51229</td>
<td>Other Sound Recording Industries</td>
</tr>
<tr>
<td>334612</td>
<td>Pre Recorded CD (Except Software), Tape, and Record Producing</td>
</tr>
<tr>
<td>51222</td>
<td>Integrated Record Production/Distribution</td>
</tr>
<tr>
<td>51221</td>
<td>Record Production</td>
</tr>
<tr>
<td>71312</td>
<td>Amusement Arcades</td>
</tr>
<tr>
<td>53311</td>
<td>Lessors of Non-Financial Intangible Assets</td>
</tr>
<tr>
<td>61161</td>
<td>Fine Arts Schools</td>
</tr>
<tr>
<td>51211</td>
<td>Motion Picture and Video Production</td>
</tr>
<tr>
<td>323119</td>
<td>Other Commercial Printing</td>
</tr>
<tr>
<td>45122</td>
<td>Prerecorded Tape, CD, and Record Stores</td>
</tr>
<tr>
<td>71141</td>
<td>Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures</td>
</tr>
</tbody>
</table>

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44 Ibid

Another such Report was conducted on the Music Industry in Chicago by the Chicago Music Commission.\textsuperscript{46} Once again, the Report illustrated that there is no classification code to cover the entire music (industry) community and that it was necessary to select NAICS categories and sub-categories to cover the “whole industry” (which was the same industry standard methodology that DotMusic adopted to delineate and organize the community defined). As the Report illustrates, one shortcoming of NAICS codes was that some NAICS codes also lump peripheral industries with categories that contain music industries. For example, “independent artists, writers or performers” lump together both music-related entities and non-music related entities. So that DotMusic does not overreach beyond the community defined, the DotMusic application clarifies that only the “music” component is relevant and peripheral entities not associated with “music” are excluded. This is why for every NAICS code the DotMusic application includes the word \textit{music} as part of each NAICS classification category to clarify that all entities unrelated to music or with a tangential relationship with “music” are excluded. This methodology incorporated by DotMusic was to ensure that all entities have the requisite awareness that they belong to the music community defined in its application of a strictly delineated and organized logical alliance of communities related to music (emphasis added). The Report states:

\textit{Because music production involves what Caves calls a “motley crew” using very different skill sets and engaged in very different kinds of productive processes, however, there is no one NAICS code or set of codes covering the whole industry. To begin with, then, it is necessary to pick out those categories of business units that participate in the music industry.}

\textit{We did this by examining each coded industry category to determine whether it had any connection to music at all, and if so, whether it constituted part of the core component of the music industry or part of its periphery. Businesses wholly or predominantly involved in the performance, production, or distribution of musical activity—such as “musical groups & artists,” “sound recording studios,” and “radio networks”—were easily designated as part of the core component. However, some industry categories, such as “independent artists, writers or performers,” lump together musical and non-musical work. Other categories—for example, “audio and video equipment manufacturing”—define businesses that support the performance, production or distribution of music, but may also support non-musical work. We place both these kinds of hybrids in the peripheral component of the music industry. The table below provides an exhaustive list of the 6-digit industries included in our definition of the music industry.}\textsuperscript{47}

\begin{center}
\textbf{FIGURE 1 - MUSIC INDUSTRY DEFINITION}
\end{center}

\begin{tabular}{ll}
\textbf{NAICS Code} & \textbf{Sub-Industry Description} \\
\hline
47 & Ibid, Defining the Music Industry, Pg.4
\end{tabular}
**CORE MUSIC SUB-INDUSTRIES**

- 339992 Musical instrument manufacturing
- 451140 Musical instruments and supplies stores
- 451220 Prerecorded tape, compact disc and record stores
- 512210 Record production
- 512220 Integrated record production/distribution
- 512230 Music publishing
- 512240 Sound recording studios
- 512290 Other sound recording industries
- 515111 Radio networks
- 515112 Radio stations
- 711130 Musical groups and artists

**PERIPHERAL MUSIC SUB-INDUSTRIES**

- 334310 Audio and video equipment manufacturing
- 334612 Prerecorded compact disc, tape and record reproducing
- 611610 Art, drama and music schools
- 621340 Offices of physical, occupational and speech therapists and audiologists
- 711110 Theater companies and dinner theaters
- 711300 Promoters of performing arts, sports and similar events
- 711400 Agents and managers for artists, athletes, entertainers and other public figures
- 711500 Independent artists, writers and performers
- 722400 Drinking places

The Report all points out another NAICS discrepancy with respect to delineating music profit and non-profit entities:

> A classificatory framework of some kind is indispensable, and like every framework, ours has certain shortcomings. One is that it fails to register the distinction between for-profit and non-profit music businesses.\(^{49}\)

With respect to DotMusic’s application, in order to match the Nexus of the string with the community defined, DotMusic clarifies that both for-profit and non-profit entities are included in its community delineation:

> The Music Community encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders. (20c)

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48 Ibid, Defining the Music Industry, Pg.5
49 Ibid, Defining the Music Industry, Pg.5
DotMusic’s methodology and rationale for using NAICS codes is one based on what is traditionally used in research studies. However, as previously illustrated, there are some limitations to using classification codes with respect to overreaching beyond the community defined by DotMusic in its application, as highlighted by several reports on defining the cultural economy and methodological approaches for measuring creative industries (such as the music (industry) community) as well as UNESCO:

All efforts to operationalize the cultural economy are forced to work with industrial and occupational categories...Given the regional variation, researchers might include different sets of industries in defining their regional cultural economies.  

Problems of highly aggregated occupational code categories (see Higgs et al., 2008) seem to jeopardize an accurate analysis.

Implicit in the notion of class is “some kind of self-identity and consistent value system within a socio-political hierarchy” (Clifton, 2008: 66). Indeed, creative individuals have aspects in common. They often get involved in the social networks or communities...and they have common values, principles. (Florida 2002a: 78-9)

The creative class concept needs to be related to a production context that should be interrelated with other organizations, institutional bodies and the community itself, in order to understand the linkages along the value chain and the locally enrooted practices that arise from these interconnections.

One of the most important issues in the analysis of creative activities is the emergent need for a universal conception and a classification system that can accurately gather and map data on these industries.

Classification of cultural industries is another issue which requires attention. The lack of a strong theoretical definition has led to misunderstanding and confused the situation concerning structural elements of these industries.

The term “cultural industries” [such as the music industry community] is used in accordance with UNESCO’s view “as a set of activities that produce and distribute cultural goods or services, which at the time they are considered as a specific attribute, use or purpose, embody or convey cultural expressions irrespective of the commercial value they may have” (UNESCO-UIS, 2009). A consensus seems to be emerging for a

50 Ann Markusen (University of Minnesota), Gregory H. Wassall (Northeastern University), Douglas DeNatale (Community Logic, Inc), Randy Cohen (Americans for the Arts), Defining the Cultural Economy: Industry and Occupational Approaches, November 2006 , Pg.8 and Pg.9, http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.542.4308&rep=rep1&type=pdf, Pg.23
51 Sara Cruz and Aurora A.C. Teixeira, Methodological approaches for measuring the creative employment, Universidade do Porto, http://wps.fep.up.pt/wps/wp455.pdf, Pg.2 and Pg.3
52 Ibid, Pg.4
53 Ibid, Pg.8
54 Ibid, Pg.9
working definition of the “core” creative or cultural industries, while there is still confusion surrounding non-core and supporting activities. Usero and del Brío (2011) in their recent article also discuss and assess the contribution of the 2009 UNESCO FCS to the field of measuring the economic contribution of culture.\(^{56}\)

In the first Resolution of the European Parliament on this topic entitled European Parliament Resolution on Cultural Industries (2002/2017) cultural industries was considered as a field of multidimensional forms of cultural expressions ranging from cultural heritage to audiovisual industries. Two years later, Opinion of European Economic and Social Committee on Europe’s Creative Industries (2004) adopted a prescriptive definition of creative industries by identifying provisional list of activities labelled as creative industries.\(^{57}\)

There is a lack of a unique and common platform for discussing the classification of cultural industries, the measurement of their economic impact, and the potential of linking and upgrading multidisciplinary approaches. This lack not only has a negative impact on research in this field, but also makes it difficult to build a comprehensive scientific and practical framework for measuring the economic contribution of cultural industries to development.\(^{58}\)

At present, the statistics for cultural industries have not been harmonised in a systematic manner, and there is no unique statistical methodology.\(^{59}\)

Despite all the novelties and progress, the „original sin” intractably remains - the vagueness or even lack of clarification regarding the definitions and estimations of creative industries, creative class, cultural activities, creative city, or cultural labour force (Glaeser, 2005; Markusen et al., 2008; Prati et al., 2009)...So far, the literature has barely come to agreement on what comprises the concepts of creative and cultural economics, as well as their precise boundaries and extent.\(^{60}\)

The formal [UK’s Department of Culture, Media and Sport (DCMS)] definition of creative industries is “…those activities which have their origins in individual creativity, skill and talent and which have the potential for wealth and job creation through generation and exploitation of intellectual property”...This definition provided the basis for several works developed by national governments worldwide (e.g., DCMS, 2001; Walton and Duncan, 2002; Heng et al., 2003; Scottish Government Social Research, 2009).\(^{61}\)

The Branches of Activity approach categorizes the creative economy in terms of “upstream activities”, i.e., core cultural activities, and “downstream activities”, i.e., commercial and distribution industries, dedicated to the diffusion and commercialization of cultural contents (e.g., Heng et al., 2003; Scott, 2004;UNCTAD 2008: 13). The strength of this perspective lies in the importance of tracing the linkages and

\(^{56}\) Ibid, Pg.17
\(^{57}\) Ibid, Pg.29
\(^{58}\) Ibid, Pg. 80
\(^{59}\) Ibid, Pg. 87
\(^{60}\) Sara Cruz and Aurora A.C. Teixeira, Industry-based methodological approaches to the measurement of Creative Industries: a theoretical and empirical account, Universidade do Porto, [http://wps.fep.up.pt/wps/wp453.pdf](http://wps.fep.up.pt/wps/wp453.pdf), Pg.2
\(^{61}\) Ibid, Pg.4
interdependencies among all the industries that compose the value chain, differentiating the upstream segments from the downstream (Scott, 2004)....Finally, the Systemic/Evolutionary approach holds that creative industries are evolutionary systems characterized by processes mainly grounded in interactions (the “agents - networks - firms” triad) and social networks (Potts et al., 2008: 170). Here, creative industries are defined and modelled as complex systems of activities, where agents and firms interact dynamically through value flows on the basis of a network structure. Supply and demand of creative goods is characterized as a process where “decisions both to produce and to consume are determined by the choice of others in the social network” (Potts et al., 2008: 169-170).62

In order to be as accurate as possible in this mapping and the respective estimation of all the approaches analyzed, we used detailed 5-digit industry codes...The use of ISIC - Rev. 3.1 in all the industry based approaches that were mapped...63

As highlighted by UNESCO and the many research studies and reports, there is no single universal classification code that can accurately map the music (industry) community as defined. To ensure that the community definition matches the string, DotMusic’s application calibrated its delineation to only restrict the “music” subset of each NAICS code (See Venn diagrams).

The Future of Music also indicates the value of using NAICS codes because they are government classifications that provide categories that are consistent and reliable:

Government statistics have some value because they are reliably collected over time.

However, the one discrepancy that DotMusic calibrated in its Application is that the fact that NAICS codes do not include self-employed music entities or musicians e.g. amateurs:

[Examining government data can give you a sense of the size and changes over time, but the fact that BLS OES data [i.e. NAICS] does not included self-employed musicians makes it likely that the published number is far lower than reality.

Estimates for detailed occupations do not sum to the totals because the totals include occupations not shown separately. Estimates do not include self-employed workers.64

So that DotMusic does not overreach beyond the community defined by excluding self-employed entities, it clarified in its application the community defined includes commercial, non-commercial and amateurs without discrimination:

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62 Ibid, Pg.10
The Music Community encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders. (20c)
Clarifying Question A - Table 2 - #4 - NAICS 512290

- Non-Members
  - NAICS Code 512290
  - Other Sound Recording Industries

- Members
  - NAICS Code 512290
  - Music Recording Industries ONLY
Clarifying Question A - Table 2 - #6 - NAICS 512220

NON-MEMBERS

NAICS Code 512220

Integrated Record Production/Distribution

MEMBERS

NAICS Code 512220

Music Distributors, Promoters & Record Labels ONLY
Clarifying Question A - Table 2 - #12 - NAICS 541211

NON-MEMBERS

NAICS Code 541211
Offices of Certified Public Accountants

MEMBERS

NAICS Code 541211
Music Accountants ONLY
Clarifying Question A - Table 2 - #18 - NAICS 711310

NON-Members

NAICS Code 711310
Promoters of Performing Arts, Sports & Similar Events with Facilities

Members

NAICS Code 711310
Music Promoters of performing arts with facilities ONLY
Clarifying Question A - Table 2 - #19 - NAICS 711320

NON-MEMBERS
NAICS Code 711320
Promoters of Performing Arts, Sports & Similar Events without Facilities

MEMBERS
NAICS Code 711320
Music Promoters of performing arts without facilities ONLY
Clarifying Question A - Table 2 - #23 - NAICS 334310

NON-MEMBERS

NAICS Code 334310
Audio & Video Equipment Manufacturing

MEMBERS

NAICS Code 334310
Music Audio & Video Equipment Manufacturing ONLY
Clarifying Question A - Table 2 - #25 - NAICS 515112

NON-MEMBERS

NAICS Code 515112
Radio Stations

MEMBERS

NAICS Code 515112

Music Radio Stations
ONLY
Clarifying Question A - Table 2 - #26 - NAICS 519120

NON-MEMBERS

NAICS Code 519120
Libraries and Archives

MEMBERS

NAICS Code 519120
Music Libraries & Archives ONLY
Clarifying Question A - Table 2 - #30 - NAICS 813910

NON-MEMBERS

NAICS Code 813910

Business Associations

MEMBERS

NAICS Code 813910

Music Business Associations ONLY
Clarifying Question A - Table 2 - #31 - NAICS 813920

NON-MEMBERS

NAICS Code 813920

Professional Organizations

MEMBERS

NAICS Code 813920

Music Coalitions, associations, organizations, information centers & export offices ONLY
Clarifying Question A - Table 2 - #32 - NAICS 813930

NON-MEMBERS

NAICS Code 813930
Labor Unions & Other Similar Labor Organizations

MEMBERS

NAICS Code 813930
Music Unions ONLY
Clarifying Question A - Table 2 - #33 - NAICS 541820

NON-MEMBERS

NAICS Code 541820
Public Relations Agencies

MEMBERS

NAICS Code 541820
Music Public Relations Agencies ONLY
Clarifying Question A - Table 2 - #34 - NAICS 711510

NON-MEMBERS

NAICS Code 711510
Independent Artists, Writers & Performers

MEMBERS

NAICS Code 711510
Music Journalists and Promoters ONLY
Clarifying Question A - Table 2 - #35 - NAICS 519130

**NON-MEMBERS**

- NAICS Code 519130
- Internet Publishing and Broadcasting and Web Search Portals

**MEMBERS**

- NAICS Code 519130
- **Music** Internet Music Radio Station ONLY
Clarifying Question A - Table 2 - #37 - NAICS 512110

NON-MEMBERS

NAICS Code 512110
Motion Picture & Video Production

MEMBERS

NAICS Code 512110
Music Video Producers ONLY
Clarifying Question A - Table 2 - #39 - NAICS 541330

**NON-MEMBERS**

NAICS Code 541330
Engineering Services

**MEMBERS**

NAICS Code 541330

*Music* audio engineers
ONLY
Clarifying Question A - Table 2 - #40 - NAICS 561599

NON-MEMBERS

NAICS Code 561599
All Other Travel Arrangement and Reservation Services

MEMBERS
NAICS Code 561599
Music ticketing ONLY
Clarifying Question A - Table 2 - #41 - NAICS 722410

NON-MEMBERS

NAICS Code 722410

Drinking Places (Alcoholic Beverages)

MEMBERS

NAICS Code 722410

Music Recreation Establishments ONLY
Clarifying Question A - Table 2 - #42 - NAICS 813410

NON-MEMBERS

NAICS Code 813410
Civic and Social Organizations

MEMBERS
NAICS Code 813410
Music Fans Clubs ONLY
ANNEX C

Clarifying Question B - Table 3 - #2 - NAICS 711500*

* See United States Department of Labor, Bureau of Labor Statistics:

http://www.bls.gov/oes/current/naics4_711500.htm and

http://www.bls.gov/cew/doc/titles/industry/industry_titles.htm
Clarifying Question B - Table 3 - #11 - NAICS 451220*

* See [http://www.dataplace.org/metadata?cid=112346&all=1](http://www.dataplace.org/metadata?cid=112346&all=1) and [http://naicscode.org/NAICSCode/451220/Prerecorded-Tape-Compact-Disc-and-Record-Stores](http://naicscode.org/NAICSCode/451220/Prerecorded-Tape-Compact-Disc-and-Record-Stores)


“NAICS 443142—Electronic stores are establishments that retail a general line of new consumer-type electronic products; including radios, televisions, computers, computer peripherals, prepackaged computer software, cameras, photographic equipment, photographic supplies, prerecorded audio and video tapes, compact discs (CDs), digital video discs (DVDs), cellular phones and cellular phone plans.

NAICS 443142 is an aggregate of the following 2007 NAICS industries:

- 443112—Radio, Television, and Other Electronics Stores
- 443120—Computer and Software Stores
- 443130—Camera and Photographic Supplies Stores
- 451220—Prerecorded Tape, Compact Disc, and Record Stores”
Clarifying Question B - Table 3 - #16 - NAICS 711400*

* See United States Department of Labor, Bureau of Labor Statistics:
  
  http://www.bls.gov/oes/current/naics4_711400.htm and
  
  http://www.bls.gov/cew/doc/titles/industry/industry_titles.htm
Clarifying Question B - Table 3 - #17 - NAICS 711300*

* See *United States Department of Labor, Bureau of Labor Statistics:*

http://www.bls.gov/oes/current/naics4_711300.htm and

http://www.bls.gov/cew/doc/titles/industry/industry_titles.htm
Clarifying Question B - Table 3 - #20 - NAICS 711100*

* See United States Department of Labor, Bureau of Labor Statistics:
http://www.bls.gov/oes/2003/november/naics4_711100.htm and
http://www.bls.gov/cew/doc/titles/industry/industry_titles.htm
Clarifying Question B - Table 3 - #22 - NAICS 334612*

* See United Nations Statistics Division, United States Department of Labor (Bureau of Labor Statistics) and United States Census Bureau:

http://unstats.un.org/unsd/cr/registry/regcssm.asp?Cl=230&Lg=1&Co=334612,
http://census.gov/econ/isp/sampler.php?naicscode=334614&naicslevel=6,
http://download.bls.gov/pub/time.series/cs/cs.industry and
http://www.bls.gov/cew/doc/titles/industry/industry_titles.htm

Note: NAICS07 334612 (i.e. Prerecorded Compact Disc (except Software), Tape, and Record Reproducing) is now under the same NAICS Code 334612 and re-categorized as “Audio and video media reproduction”
ANNEX D
Music Community Eligibility Venn Diagram

Eligible .MUSIC Community

Strictly Delineated and Organized Logical Alliance of Communities Related to Music with Requisite Awareness of Community Defined

Amateur Music Constituents

Commercial Music Constituents

Non-Commercial Music Constituents

Ineligible Non-Music Community Members that lack Recognition and Awareness of the Community Defined
TEN CLUB IS PEARL JAM'S OFFICIAL FAN CLUB

Ten Club was born from the remains of the Mother Love Bone Earth Affair—a fan organization started by Pearl Jam in 1990 as a way for the band to give back to their fans and create a community around Pearl Jam’s music.

Run entirely in house since its inception, Ten Club has a staff of seven individuals dedicated to the care of the band's most devoted fans.

For $20 a year (Digital) and $40 US/$50 INT a year (Analog), Ten Club members from around the globe are provided with members-only goods and services that include:

- Annual Deep magazine: A beautiful booklet made by the band for its fans. It’s a collectible piece that will look great upon your shelf (Digital members get digital download of the Deep Magazine).
- Annual vinyl 45 single: Our way of holding onto a touchstone of music the way it was when Pearl Jam and Ten Club started (Digital members get digital download of the Annual Single).
- Priority ticketing: Ten Club holds the best seats in the house for members, only pre-sales and rewards long time fans for their dedication with seniority-based seating. Ticket allocations and box office relations are handled in-house to ensure that the best tickets end up in the hands of Ten Club members. Although members are not guaranteed tickets, they are given the best chance at the best seats via a drawing before the public on sales.
- Monthly email newsletter: Includes updates about releases, touring, members-only contests, merchandise, web content, activism and more.

BECOME A TEN CLUB MEMBER HERE
COMPASS RECORDS STREET TEAM

JOIN THE COMPASS RECORDS STREET TEAM
Compass Records is looking for motivated individuals (who appreciate great music) to join our Street Team and help us spread the word about our talented roster. If you are enthusiastic about music and wish to acquire experience in the music industry, the Compass Records Street Team is the perfect opportunity for you.

DETAILS Be one of the first to know about new releases, or release a new album. A program must be done to notify the public. Such an occasion would represent place posters in high-traffic areas and distribute handbills/postcards to audiences at shows. Other artists Street Team reps keep their ears to the ground about trends and events in their places of residence and help spread the word about upcoming shows. In return for their efforts, members receive a monthly newsletter and are the first to hear about new releases at Compass Records. Members may also qualify for new merchandise, signed posters, new tickets, and more.

WAYS STREET TEAM MEMBERS CAN GET INVOLVED
- Promoting upcoming shows of Compass artists.
- Hosting parties for new releases.
- Providing feedback about audience response in their areas, marketing techniques that worked, and other overall promotional experience.
- Announcing performances or album releases on the web (no spamming, please!), community blogs, MySpace pages, etc.

IN APPRECIATION FOR ALL THEIR HELP, STREET TEAM MEMBERS QUALIFY TO RECEIVE A RANGE OF BENEFITS, INCLUDING
- Posters signed by a variety of artists.
- CDs for listening parties (often before they are officially released).
- Access to special promotional materials.
- Tickets to Compass artists' performances.
- And More!

We here at Compass - including the artists with whom we work - have the utmost appreciation for our fan-base and know that we absolutely could not succeed without you. Thank you for supporting independent music.

SIGN UP TO BECOME A STREET TEAM MEMBER TODAY!

Compass Records
916 19th Ave South
Nashville, TN 37212
US 800-757-2277
info@compassrecords.com

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JOIN THE LP STREET TEAM FOR THE THP TOUR

Nov 12, 2014 By LPU HQ

The Linkin Park Street Team is seeking new and current members to carry out missions in the following cities and activities:

Orlando, FL - Nashville, TN - Indianapolis, IN - Pittsburgh, PA - Albany, NY - New York City - New York State - New Jersey - Pennsylvania - Atlantic City, NJ - Providence, RI - Hershey, PA - Greensboro, NC - Uncasville, CT - Manchester, NH - Hamilton, ONT - Grand Rapids, MI - Des Moines, IA - Lincoln, NE - Saskatoon, SK - Calgary, AB - Edmonton, AB

Missions will be a mix of digital and street promotions. The deadline to complete this application is November 20, 2014.

To complete an application click HERE.

- Lulu

Please Login to comment.
Nov 15, 2004 at 5:06 AM - kittenwhow said
Providence

Nov 15, 2004 at 4:55 AM - Annalisa said
Wish I could do it!

Reply  Message Annalisa
General Terms and Conditions

1. Acceptance of Terms: P edgem us c.com L m ted ( "P edgem us c") s an on ne serv ce that fac t tes m us c fans (a "P edger") contr but ng to the rec ord ng costs of in depend ent mus c an s (the "Art st") mus c and a so (opt ona y) to contr but e to a char ty des gnated by the Art st (the "Char ty") (co e ect y, the "Serv ce"). The Serv ce s oper ated from the webs te w w w.p edgem us c.com. The use of the P edgem us c Serv ce by an Art st to ra se money from P edgers sho uld be re ferred to as a "Camp a gn". To par cipate n the Serv ce you must read and ac cept a ll of the terms and cond it ons of th s agree ment. Art st s are a so sub ject to the terms and cond it ons of the Supp emen ts T erms and Cond it ons – Art st s – Art st, wh ch s incor porated by reference nto th s agree ment. P edgem us c may mod fy the terms of th s agree ment. n our so e d sc re n on, by post ng amended terms to the P edgem us c.com webs te. Your con ntued use of the serv ce nd cates your ac ceptance of the amended agree ment.

2. Par t c pat on: Your par t c pat on n the Serv ce may re qu re that you sup p y cer tain per son a n inform at on on P edgem us c. The inform at on you sup p y must be fu l, com plete, and ac cu rate. You are re qu red to ma nta n and up date th s inform at on to keep t current, com plete and ac cu rate. Per son a n inform at on sup p ed w h s be re ferred to P edgem us c Pr vacy Po cy, wh ch s incor porated by reference nto th s agree ment. By us ng the S te or the Serv ce, you are ac cept ng to have your per sona data trans ferred to and pro cessed n the Un ted States.

3. Res pon s b e Use / Co de of Con duct: As a cond it on of par t c pat on n the Serv ce you w h s not to use the Serv ces for any pur pos e that s un au tho red or pro h ibited by these T erms of Serv ce, or any other purpose not reasona bly ntended by P edgem us c. Fur ther use of the Serv ce w h s con trol ed by the P edgem us c Code of Con duct, wh ch s incor porated by reference nto th s agree ment. P edgem us c may re move any con tent or ac count at any t me for any rea son at ts so e d sc re n.

4. Ab use: To re port any ab use of the Serv ce e-mail : n fo@p edgem us c.com

5. Con tent: A post ng, mes sages, tex t, f es, mages, ph oos, v de o, so unds, or oth er mat erial s ("Con tent") pos ted on, trans mitted through, or r ived from the Serv ce, are the so e re su ns b y the per son from whom such Con tent or g na ted. You are en t re to re su ns b e for any tem of Con tent that you post, ema i or oth erw ise ma ke ava b e to the Serv ce. P edgem us c does not con tro l, and s not re su ns b e for, Con tent ma de ava b e to the Serv ce, and by us ng th s Con tent you ma y be ex posed to Con tent that s off ens ve, ndecent, inac curate, m s ead ng, or oth erw ise ob jece on ab va. P edgem us c makes no rep re senta on or war ranty as to the ac cu rate, comp te ness or au henti c ty of the in format on on conta ned n such Con tent. You must e va uate, and bear any rela ongs w th, the use of any Con tent or any re ance on sa d Con tent, and no c r enances w th P edgem us c be ab e u a ny way for any Con tent or for any os or damage of any k nd in cu red as a re sult of the use of any Con tent ma de ava b e to the Serv ce. You ac knowledge that P edgem us c does not pre-creen or ap prove Con tent, but that P edgem us c sho uld have the r ght (but not the ob ght) n th s so e d sc re n to re se, de ele or move any Con tent that s ava b e to the Serv ce for any rea son.

6. Trademark and Copy righ ts: P edgem us c.com, the P edgem us c ogo, and oth er names, ogos, cons and mar ks den t by ng P edgem us c prod ucs and serv ces are trademarks of P edgem us c.com. L m ted. P edgem us c, P edgem us c.com, the P edgem us c ogo, and oth er names, ogos, cons and mar ks den t by ng P edgem us c prod ucs and serv ces are trademarks of P edgem us c.com. L m ted. A r gu ng not ex press y granted n th s agree ment are reserved.

7. F ran c a Transact ons: P edgem us c acts as an n termed ay be ng P edgers and Art st s, and a mon es co e cted are he de on ac count unt they are d s bered. After a Campa gn reaches a predeterm ned nd co e c on po nt (the...
P edgeTarget). P edgeMus c w charge part c pat ng P edger s cred t cards or payment accounts for the p edged amount. P edgeMus c w then make any char tab e contr but on requ ed as part of the Campa gn, and d sburse funds to cover the Art st s record ng and assoc iated expenses (nc ud ng P edgeMus c s fee for runn ng the Campa gn). If a Campa gn does not reach the P edgeTarget, or exp res before co ect ng enough contr but ons to meet ts target, P edgeMus c w ne ther charge nor accept payments from any P edger. P edgeMus c s n no way respons b e for the performance or ob gat one of the Art st. After P edgeMus c charges a P edger s cred t card or other payment account there w be no refunds, unless ts so d e scret on P edgeMus c determ nes that a refund s appropr ate (and any refunds made sha be subject to any assoc iated transact on costs). P edgeMus c s under no ob gat on to become nvo ved n d sputes between P edgers and Art sts, or between P edgers and any th rd party. In the event of a d spute, you re eas P edgeMus c ts off eas, emp oyee,s and agents and successors from c a ms, damages, or demands of th rd know n or unknown, suspected or unsuspected, d scosed or und scosed, as s ng out of or n any way re ated to such sputes and our ser vce. Art sts are who y respons b e for fu ng ob gat ons ons mp ed and stated n any campa gn they create. P edgeMus c w engage n commer c a y reasonab le eﬀorts to co ect mon es comm t led by P edgers, however P edgeMus c does not guarantee that tw co ect the fu amount of money comm t led by P edgers. P edgeMus c reserves the right to term rate a Campa gn and refund a P edgers payments at any t me for any reason.

8. Term nat on: P edgeMus c may term rate or suspend any and a Serv ces, and your P edgeMus c account, mmed ate y and w thou t pr or not ce or ab ty, f you breach any of the terms or cond t ons of the Terms of Serv ce. Upon term nat on of your account, your rght to use the Serv ces w mmed ate y cease. If you w sh to term rate your P edgeMus c account, you may s mp y d secure n the Serv ces or send an ema to info@pedgeamus.com (a term nat on requ ed w be comp led within 30 days). A prov ons of the Genera Terms and Cond t ons wh ch by the r nature should surv ve term nat on sha surv ve term nat on, nc ud ng w thou t m tat on, ownersh p prov ons, warranty d sc a mers, ndemn t es and m tat ons of ab ty.

9. D sc a mer of Warrant es: YOU EXPRESSLY AGREE THAT USE OF THE SERVICES AND/OR ANY OTHER CONTENT YOU DOWNLOAD FROM PLEDGEMUSIC IS AT YOUR SOLE RISK AND THAT YOU WILL BE SOLELY RESPONSIBLE FOR ANY DAMAGE TO YOUR COMPUTER SYSTEM OR LOSS OF DATA THAT RESULTS FROM THE DOWNLOAD OF FILES, SOFTWARE, SERV I CES AND/OR OTHER CONTENT. THE SERVICES AND/OR OTHER CONTENT YOU DOWNLOAD FROM PLEDGEMUSIC ARE PROVIDED ON AN "AS IS" BASIS. PLEDGEMUSIC EXPRESSLY DISCLAIMS ANY AND ALL WARRANTIES OF ANY KIND, WHETHER EXPRESS, IMPLIED, STATUTORY OR OTHERWISE, INCLUDING, BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT. PLEDGEMUSIC MAKES NO WARRANTY THAT THE SOFTWARE, SERVICES AND/OR ANY OTHER CONTENT YOU DOWNLOAD FROM PLEDGEMUSIC WILL MEET YOUR REQUIREMENTS, OR THAT THE SOFTWARE OR SERVICE WILL BE UNINTERRUPTED, TIMELY, SECURE, OR ERROR FREE; NOR DOES PLEDGEMUSIC MAKE ANY WARRANTY AS TO THE RESULTS THAT MAY BE OBTAINED FROM THE USE OF THE SERVICE OR AS TO THE ACCURACY OR RELIABILITY OF ANY INFORMATION OBTAINED THROUGH THE SERVICE OR THAT DEFECTS IN THE SOFTWARE WILL BE CORRECTED.

10. L m tat on of L ab ty: IN NO EVENT WILL PLEDGEMUSIC OR ITS DIRECTORS, EMPLOYEES OR AGENTS BE LIABLE TO YOU OR ANY THIRD PERSON FOR ANY INDIRECT, CONSEQUENTIAL, EXEMPLARY, INCIDENTAL, SPECIAL OR PUNITIVE DAMAGES, INCLUDING FOR ANY LOST PROFITS OR LOST DATA ARISING FROM YOUR USE OF THE SERVICE, ANY PLATFORM APPLICATIONS OR ANY OF THE SITE CONTENT OR OTHER MATERIALS ON, ACCESSSED THROUGH OR DOWNLOADED FROM THE SERVICE, EVEN IF PLEDGEMUSIC IS AWARE OR HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED HEREIN, PLEDGEMUSIC S LIABILITY TO YOU FOR ANY CAUSE WHATSOEVER, AND REGARDLESS OF THE FORM OF THE ACTION, WILL AT TIMES BE LIMITED TO THE AMOUNT PAID, IF ANY, BY YOU TO PLEDGEMUSIC FOR THE SERVICE, BUT IN NO CASE WILL PLEDGEMUSIC S LIABILITY TO YOU EXCEED £200. YOU ACKNOWLEDGE THAT IF NO SUITS ARE PAID TO YOU IN RESPECT OF THE SERVICE, YOU SHALL BE LIMITED TO INJUNCTIVE RELIEF ONLY, UNLESS OTHERWISE PERMITTED BY LAW, AND SHALL NOT BE ENTITLED TO DAMAGES OF ANY KIND FROM PLEDGEMUSIC, REGARDLESS OF THE CAUSE OF ACTION.

11. Extern al l nks: P edgeMus c ma prov de l nks to other webs tes or resources,
however P edgeMus c s not responds b e for the ava ab ty of such externa s tas or resources, and does not endorse and s not responds b e or ab e for any
Content, advert s ng, products or other mater a s on or ava. ab e from such s tes or resources. You further acknowledge and agree that P edgeMus c sh a not be responds b e or ab e, d rect or nd rect for, any damage or oss caused or a ged to be caused by or n connect on w th use of or re ance on any such Content, goods or serv ces ava ab e on or through any such s tes or resource.

12. Indemn ty: You agree to ndemn fy and h o d P edgeMus c, ts subs d ar es and aff lates, and each of the r de ctors, off ers, agents, contractors, partners and emp oyees, harm ess from and aga unt any oss, ab ty, c a m, demand, damages, costs and expenses, nc ud ng reasonab e attorney s fees, ar s ng out of or n connect on w th any content, arany th rd party content you post or share on or through P edgeMus c, your use of the Serv c e or P edgeMus c; your conduct n connect on w th the Serv ce or P edgeMus c or w th other users of the Serv ce or P edgeMus c, or ar y vs on at on th s Agreement, any aw or the rghts of any th rd party.

13. Ent re Ag reement: Th s agreement const t ues the ent re agreement between you and P edgeMus c regard ng the use of the Serv ce, superse d ng any or or agreements between you and P edgeMus c at ng to the Serv ce. The use of P edgeMus c to exerc se or enforce any rght or prov s on of th s agreement sha not const t ues a wa ver of such rght or prov s on n that or any other instance. If any prov s on of th s agreement sh a n d ve a y of th s agreement sha cont nue n fu rce and effect. If any prov s on of th s agreement sha be deemed unaw fu, vo d or for any reason unenforceab e, then that prov s on sha be deemed severab e from th s agreement and sha not affect the va d y and enforceab ty of any rema nng prov s ons. No var at on to th s agreement w be n d ng upon P edgeMus c unness s made n wr ng and s gned by a d dector or off cer of P edgeMus c.

14. Gover no ng Law and Jur s dt cl on: These terms and cond tons sha be governed by and construed n accordance w th Eng sh aw, w thout regard to its cond ct of a wes or n s. D sput es ar s ng n connect on w th these terms and cond tons sha be subject to the excus ve jur s dt cl on of the Eng sh courts. You wa ve any c a m that any a ega proceed ng ( nc ud ng any f ort c a m) brought n accordance w th th s cause has been brought n an nconven ent forum or that the venue of that proceed ng s mproper.

Supplemental Terms and Conditions – Artists

1. P edgeMus c com L m ted ("P edgeMus c") s an on ne serv ce that fac tates mus c fans (a "P edger") contr but ng to the record ng costs of independ mus c ans (the "Art st") mus c and a so (opt ona y) to contr but e to a char ty des gnated by the Art st (the "Char ty") (co ect ve y, the "Serv ce"). The Serv ce s operated from the webs te www.p edgemus c.com. The use of the P edgeMus c Serv ce by an Art st to ra se money from P edgers sha be referred to as a "Campa gn". These Supplemen tary Terms and Cond tons govern the re at on p between P edgeMus c and an Art st n re at on to the Serv ce.

2. S gn ng up: In s gn ng up to use the Serv ce, or dur ng the r Campa gn, Art sts may be requested to prov de inform at on to P edgeMus c in conn ect on to th r

3. In s gne tve er tab es y se§t +er. If any time y us we are sh t gwe anytne we are sh t ng the P edge Target, but a ways on 30 days not ce, w thdraw from the Serv ce and term nate the r Campa gn by ema ng nfo@p edgemus c.com and prov d ng dets a n the r reasons.

4. W thdrawa alter P edge Target: Art sts who have reached the r P edge Target are comm ted to cmp ng and record ng and d str but ng the r a burn. If for any reason th s s not poss b e the Art st must nmm de ate y rform P edgeMus c of th s fact, and cooperate fu y and n the utmost of good fa th w th P edgeMus c to address th s s tust on n a way that s cons stent w th the interests of P edgeMus c, the Art st, and nved P edgers.

5. D sbursement of p edge mon es: Mon es co ected by P edgeMus c for a Campa gn w be h e d on accoun t for the Art st. P edgeMus c w nmm de ate y make any Char tab e Contr but e but ons required by the Campa gn n the Art st s name, and then d sburse funds to cover the Art st s record ng and assoc ated expenses ( nc ud ng P edgeMus c s fee for rrun ng the Campa gn) d rect y to the serv ce prov iders nvo ved. The Art st and P edgeMus c w agree togher on w ch serv ces prov iders are su tab e for the Art sts Campa gn requ ements, and P edgeMus c sh a contr c d rect y w th these serv ce prov iders for the Art sts requ ements. If P edgeMus c has reason to be eve that Art st w not comp ete the r Campa gn ob gat ons P edgeMus c may cease d sburse funds for the Art st, and require that the Art st s nter n d scss on w th P edgeMus c to address P edgeMus c s concerns regard ng the comp et on of
the campa gn ob gat ons. If the Art st and P edgeMus c are unabl e to reach a sat is factory agreement regard ng the outstand ng campa gn ob gat ons of the Art st P edgeMus c may term nate the Campa gn and refund mon es to P edgers of the Campa gn n proportion on to the amounts remai n ng n the account for the Campa gn. Interest on a fund s he d sha accure to the benefit of P edgeMus c.

6. ChargeBacks and Refunds: If, for any reason, P edgeMus c s requ red to refund mon es to P edgers of a Campa gn, the Art st w fu y compensate P edgeMus c for the amount refunded as we as any associ ated costs, n cue d ng but not m ted to transact on or ad m strat ve costs.

7. Inte actua Property: Art st sha fu y own a the nte actua property to a pub sh ng s and record ng s they create through or resu lt from the r Campa gn. Art st grants to P edgeMus c a non-exc us ve, wor dw de, roya ty free cense to reproduce, d g la y d str bu te, and pub cy perform the record ng s (as we as any under r ng mus c a compos t on) created or contrbut ed by the Art st as part of the Campa gn a any means deve oped, ow ned, or contro ed by P edgeMus c or ts partners so e y for the purposes of promot ng the Art st s Campa gn or P edgeMus c. Art st a so grants to P edgeMus c a non-exc us ve, wor dw de cense to (to) reproduce, d sp ay and d str bu te any artwork, photographs sup pend ed by the Art st, ner notes, metadata, track data yr cs and ed for a content re at ng to the record ng s, and (to) use the name (n cue d ng profess one name(s)), keeness, performances, photographs, and b graph ca mater a of each performer, producer, and songwter featur ed on a record ng, n connect on w th pret ng the Art st s Campa gn or P edgeMus c.

Now thstand ng the foreg on, Art st acknowledges that P edgeMus c s bus ness mode may nvo ve free promot on do wnloads and/or streams of record ng s.

8. Representat ve, Warrant es and Indemn it es: Art st hereby warrants and represents that: (1) It has the rght and power to enter nto and fu y perform a of ts ob gat ons under th s Agreement; (2) It has the author ty and rght to prov de P edgeMus c w th the rghts granted here n; (3) P edgeMus c s exerc ise of the rghts granted here n w th n f r ng e upon any copyrgh t, tradem ark, rght of pub cy, mora rght or other propr ety, nte actua property, contractua or other rght of any person ng any word s; (v) Ne th the record ng s, nor any other content prov ded to P edgeMus c by the Art st vato any app c ab e aws or regu at ons, n cu d ng, w thout m tat on, defamat on and obscen ty aws; (v) The record ng s do not ncu de any un cens ed samp es or nterpo at ons, Art st sha have the so e respon b lty to ensure, as necessary, that a record ng s are fu y cens ed; (v) No agreement of any k nd entered nto by Art st does or w infer re any manner w th P edgeMus c s comp ete performance of th s Agreement, or w th the rghts granted to P edgeMus c here n; and (v) P edgeMus c sha not be requ red to make any payments to th rd part es n connect on w th exp o tat on of the Masters, Contr o ed Compos t ons or Content hereunder. Art st w th defend, ndemn fy, and ho d harm ess P edgeMus c, ts parents, subs d ar es, aff unes, and the r respect ve d rectors, off cers, emp oyes, and agents, w th respect to any ca m, demand, cause of act on, or debt or ab y brought by or ca med by any th rd part y, n cu d ng att ores fees, to the extent that any such ca m s based upon or ar ses out of a breach of any of L censors re presentat ons, warran ts, covenants, or ob gat ons.

9. Tax or oher Francs a ob gat ons: Art st w th fu y respond to any tax at on or oher Franc a ob gat ons as ng out of ts part c at on n the servce. If, for any reason, P edgeMus c s requ red to pay any mon es re at ng e ther d rect y or nd rect y an Art st s campa gn, Art st sha fu y mburse P edgeMus c for those amounts w th n 30 days of be ng nform ed of these payments.

Code of Conduct

1. Pr nc es: P edgeMus c.com L m ted ("P edgeMus c") s an on ne servce that fac ts mus c fans (a "P edger") contr but ng to the record ng costs of indepen dent mus c ans (the "Art st") mus c and a so (opt one y) to contr bute to a charity des gnat ed by the Art st (the "Char ty") (coect ve y, the "Servce"). In order to fac tate th s we requ re that a users of the Servce ab de by th s Code of Conduct. P edgeMus c may mod fy the terms of th s Code of Conduct, n our so e d scrot on, by post ng amended terms to the P edgeMus c.com webs te. Your cont nued use of the Servce nd ca ses your acceptance of the amendments.

2. When us ng th Servce act vtes that are not permitt ed cu de, but are n no way m ted to, the fow ng:
   1. to act n an abus ng or threaten ng way;
   2. to n m date or mpersonate any one;
   3. any ega acts;
   4. any nfr ngement of nte actua property rghts;
   5. any comp merc act vtes not appro ved n wr ng by P edgeMus c

3. You w th not to post, ema , or othen se make av a b e Content
1. that s unawfu, harmfu, threaten ng, abus ve, harass ng, defamatory, be cuss, nva ve of another s prvacy, or s harmfu to m nors n any way;
2. that s pornograp c;
3. that harasses, degrades, nt m dates or s hatefu toward an nd v dua or group of nd v dua s on the bas s of re g on, gender, sexua or entat on, race, eth c ty, age, or d sab ty;
4. that mpersonates any person or ent ty, nc ud ng, but not m ted to, a P edgeMus c emp oyee, or fa se y states or otherw se m srepresents your aff at w th a person or ent ty;
5. that nc udes persona or dent fng infor mat on about another person w thout that person s exp c t consent;
6. that s fa se, decep ve, m sead ng, or dece t f u;
7. that rfr nges any patent, trademark, trade secret, copy ght or other prop rty r ghts of any party, or Content that you do not have a r ght to make av a e under any aw or under contract or f duc any re at on sh p;
8. that const tutes or conta ns "aff ate mark t ng, " rfr ena code, "junk ma, " spam, "cha n eners, "pyram d sche mes, " or unso c ted commerc a advert sement;
9. that const tutes or conta ns any form of advert s ng or so c tat on;
10. that nc udes nks to commerc a serv ces or web s tes;
11. that advert ses any ega serv ce or the sa e of any tems the sa e of wh ch s proh b ted or restr ced by any app cab e aw;
12. that conta ns software v ruses or any other computer code, f es or programs des gn ed to n trupt, d m t the func on ty of any computer software or hardware or te ecommun cat ons eq u pment;
13. that d srupts the norma f ow of d a cu e with an exces ve amoun of Content (food ng attack) to the Serv ce, or that otherw se neg at ve y affects other users ab ty to use the Serv ce or;
14. that em ploys m sead ng ema ad dress es, emp oy e ad dress es, o r forged he ad es or otherw se man pu ated dent f ers n order to d sgu se the or g n of Content trans mted through the Serv ce.

You agree not to:
1. contact anyone who has asked not to be contacted;
2. "sta k" or otherw se harass anyone;
3. co c t persona data about other users for commerc a or unawfu purporses;
4. use automated means, nc ud ng sp ders, robots, crawlers, data m ng too s, or the ke to downoad data from the Serv ce – uness express y perm tied by P edgeMus c;
5. post me evant Content, repeated y post the same or s m ar Content or otherw se m s imposes an unreasonable e or d spro rate y arge oad on our infras tructure;
6. attempt to ga n unauth orzed access to P edgeMus c s computer systems or eng age n any act vy that d srupts, d m n shes the qua ty of, interferes w th the perfor mance of, or mpa rs the func on ty of, the Serv ce or P edgeMus c webs te or;
7. use any form of automated dev ce or computer program that enab es the subm s on of post ng s on P edgeMus c w thout each post ng be ng manua y entered by the author thereof (an "automated post ng dev ce"), nc ud ng w thout m tat on, the use of any such automated post ng dev ce to subm t post ng s n bu k, or for autom at c subm ss on of post ng s at regu ar nters, or eng age n any other acts wh ch could be cons dered "gain ng the system"

Privacy Policy
1. Pr nc pes: P edgeMus c.com L m ted ("P edgeMus c") s an on ne serv ce that fac tates mus c fans (a "P edger") contr but ng to the record ng costs of ndependent mus c ans (the "Art st") mus c and a so (opt ona y) to contr bute to a ch ty des gn ed by the Art st (the "Char ty") (co c t ve y, the "Serv ce"). To ach evo th s a m P edgeMus c co ccts and processes certa n persona nfor mat on (the "Persona I nfor mat on"). P edgeMus c may mod fy the tems of th s Pr va cy Po cy n our s e d acrot on, by post ng amended tems to the P edgeMus c.com webs te. Your con tued use of the Serv ce nd cates your ac cept ance of the amends;
2. What nfor mat on s co ected: When s gn ng up w th the Serv ce you w be asked to sup py nfor mat on on wh ch ma incl ude your name, address, ephone number, ema ad dress, cred t card data s, date of b th, gender, or other nfor mat on. When us ng the Serv ce we may co e ct your bro wter type, OS type, IP ad dress. We so store certa n nfor mat on on your bro wter ca ed "cook es". We use sess on ID cook es to conf rm that users are og ged n. These cook es tem nate once the user c ses the bro wter. By defau l, we use a pers stent cook e that stores your og n ID (but not your password) to make te eas er for you
to og n when you come back to the Service. You can remove or block the cookies and the settings in your browser if you wish to do so. The convenience feature.

3. Why is this format on gathered and how is used: A format on gathered by PegasusCos for the express purpose of enabling a more productive, customised, and efficient experience for our users. We do not see user information on gathered. Private information on gathered may be used to verify users in order to increase the soundness of a Campaign, by a Campaign when the PegasusCos member to make a statement (as an organized member of that Campaign), or any other member of the Campaign team. Private information on is (circumstances) or approved by the user whose information on is relevant. Campaign information on, detached from any private information on, with so be reviewed by PegasusCos staff on occasion for the purpose of improving the websites and enforcing the General Terms and Conditions.

PegasusCos may occasiona on e-mail you notif cat ons regard ng new services, the status of a Campaign you are on e-mail messages you have received from other Campaign members, and other account information on PegasusCos may d e sc nse th s information on to bus ness partners, and Artsta running a Campaign or to whom a PegasusCos has ed. PegasusCos maintains a list of e-mail observance information on provided on PegasusCos is a news on of PegasusCos General Terms and Conditions and should be reported to: info@p.egermus.com

5. Credit Card Information and Security: PegasusCos does not store credit card information. Credit card transaction are transmited to a secure bank as a gateway, and we endeavour to protect the security of your payment information on during transmission on by us using Secure Sockets Layer (SSL) technology. Credit card information is stored in an encrypted form by our payment gateway provider. PegasusCos stores only the last four digits of any credit card with a reference ID for the payment gateway.

6. Archives: PegasusCos may keep copies of user information on or Campaigns after the removal of the related information on ar chive storage. This archive storage may include past versions of stored items that have since been modified or deleted.

7. Children Under Age 13: PegasusCos does not knowingly collect any information on persons under the age of 13. If PegasusCos earns that a person is by a person under the age of 13, PegasusCos will remove that post.

8. Children Between the Ages of 13 and 18: We recommend that minors over the age of 13 ask the parents for permission before sending any information on about themself to anyone over the Internet.

9. Changes to the Privacy Policy: PegasusCos may amend this privacy policy from time to time, at its sole discretion. Use of information on we collect now is subject to the privacy policy then in effect at the time such information on is used. If we make changes to the privacy policy, we will notify you by posting an announcement on PegasusCos website to a site you to view the latest information on we collect, how we use it, and under what circumstances f any, t s s ed.

10. Credit Terms of Use: If you decide to visit PegasusCos website, your use and any posting or dispute over privacy is subject to this privacy policy and our General Terms and Conditions, and our Customer Service on damages, and jurisdiction.

11. Contacting PegasusCos: If you have any questions about this privacy policy, please contact us. You may also reach us by mail at "PegasusCos, 22 Ende Street, Covent Garden, London, WC2H 9AD", or you can contact us through e-mail at info@p.egermus.com

Copyright Policy

PegasusCos is a company with registered trademark on copyright awareness. Public Notice under the Act of Copyright ("DMCA"). It is our policy to respond to any infringement notices and take appropriate action under the Act of Copyright ("DMCA") and other applicable laws concerning the use of infringing material.

If you are a copyright owner or an agent thereof and believe that any file or other content on our website appears, you may submit a notification pursuant to the Act of Copyright ("DMCA") by providing us with the following information (see 17 U.S.C. 512(1));

1. A physical or electronic signature of the person authorized to act on behalf of the owner of an exclusive right that is infringed;
2. Identification of the copyrighted work that has been infringed or, if known, the location where the侵权 works are located, and the location where the infringing material is located, if known;
3. Description of the nature of the copyright infringement or infringement that you believe to be infringing;
4. The infringer of the material is to be deleted or modified from the site; and
5. Infringement on reasonably sufficient content to permit us to remove the infringing content.

You certify that the information you provide to us is true to the best of your knowledge and belief.

This policy is effective as of [insert date]. PegasusCos reserves the right to modify this policy at any time.
5. A statement that you have a good faith belief that the manner of use of the material is not authorized by the copyright owner, its agent, or the law, and

6. A statement that the information in the notification is accurate, and under penalty of perjury, that you are authorized to act on behalf of the owner of an exclusive right that has been infringed.

3. If your notification complies with all of these requirements, you can send it to us by email to info@edgemus.com. Any notifications not complying with the requirements will be ignored. Please allow 1-2 business days for an email response.
ANNEX F
**Music Sector Background: Music is a Copyright Industry**

The community defined by DotMusic -- “a strictly delineated and organized community of individuals, organizations and business, a ‘logical alliance of communities of a similar nature’ that relate to music, the art of combining sounds rhythmically, melodically or harmonically” -- functions in a regulated sector. Evidence to support this assessment include recent ICANN Resolutions and GAC Advice that recognized music as a regulated, sensitive sector.¹

As such, one can clearly “categorize the music industry is to consider it as a copyright industry. Copyright legislation is what makes it possible to commodify a musical work...The core of music industry is about 'developing musical content and personalities' (Negus, 1992), and to be able to license the use of that content and those personalities to consumers and business they need to be protected by copyright legislation. The use of this term is not new in any way, but has been used by several institutions, for instance OECD, IFPI (2004a), Congress of the United States (CBO 2004) and of course by WIPO... The term also has a clearer definition and is less ambiguous than many of the other terms.”²

The music (industry) community is “commonly referred to in the literature and in public policy as one of the ‘cultural industries’ or ‘culture industries’ first coined by Theodor Adorno and Max Horkheimer in Dialectic of Enlightenment (2002). These are usually described as those industries that create, produce and distribute goods and services that are cultural in nature, and may be further defined by their relationship to copyright as a primary means of control over the economic functions of those industries.”³

“The study of the music industries as a function of culture and society is another popular approach to understanding the music industries. Music is culture, and industries are formed from aspects of cultural engagement.”⁴

Governments and their supporting government agencies play an essential complementary⁵ role in the music (industry) community because they regulate copyright. According to the U.S Copyright Office.⁶

The government’s involvement in the music marketplace is unusual and expansive relative to other kinds of works created and disseminated under the Copyright Act. In many cases, it compels copyright owners to license their works at government-set rates.

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² Patrick Wikström, The Music Industry: Music in the Cloud, Polity Press, Cambridge, 2009, [https://www.google.com/search?q=music+is+a+copyright+industry&ie=utf-8&oe=utf-8#q=music+is+a+%22copyright+industry%22], Pg. 5
³ Chris Anderton, Andrew Dubber and Martin James, Understanding the Music Industries, Sage Publications Ltd, first edition, 2013, [https://us.sagepub.com/sites/default/files/upm-binaries/54808_Anderton_ch_1.pdf], Pg. 8
⁴ Ibid, Pg.9
⁵ For example, IFACCA, a DotMusic supporting organization that is mainly dedicated to the community defined, is the sole organization that represents arts councils and government culture agencies globally, which provide essential complementary support services, regulatory enforcement and substantial funding to music globally.
⁶ United States Copyright Office, Copyright and the Music Marketplace, A Report of the Register of Copyright, February 2015, [http://copyright.gov/policy/musiclicensingstudy/copyright-and-the-music-marketplace.pdf], Pg. 16-18. Also see Appendix D for diagrams concerning Licensing Frameworks. For more examples on royalty flow that many be regulated by government and the symbiotic relationships among music (industry) community members and organizations mainly dedicated to the community, see [https://www.prsformusic.com/SiteCollectionDocuments/Membership/The_Music_Universe.pdf].
Regulation of music publishers and songwriters is particularly pervasive: the two most significant areas of their market (mechanical and performance licensing) are subject to mandatory licensing and ratesetting. Antitrust concerns have been the traditional rationale for government intervention. To be sure, where particular actors engage in anticompetitive conduct in violation of antitrust laws, that conduct should be addressed. But compulsory licensing does more than that—it removes choice and control from all copyright owners that seek to protect and maximize the value of their assets.

Licensees urge that government oversight is essential to forestall alleged monopolistic practices on the part of the PROs and large music publishers. Many licensing transactions are regulated by the government...They represent a series of statutory and judicial mandates that came into effect at various points during the last century to address particular concerns of the day.

Congress passed the first federal copyright act in 1790 (Act of May 31, 1790, ch. 15, 1 Stat. 124)...In 1831, Congress amended the law to provide expressly that musical works were subject to federal copyright protection (Act of Feb. 3, 1831, ch. 16, 4 Stat. 436). The 1831 amendment, however, provided owners of musical works with only the exclusive right to reproduce and distribute their compositions, i.e., to print and sell sheet music, because, “[a]t the time, performances were considered the vehicle by which to spur the sale of sheet music.” (See Maria A. Pallante, ASCAP at 100, 61 J. COPYRIGHT SOC’Y 545, 545-46 (2014)) In 1897, Congress expanded the rights of music owners to include the exclusive right to publicly perform their works (Act of Mar. 3, 1897, ch. 392, 29 Stat. 694; see also Zvi S. Rosen, The Twilight of the Opera Pirates: A Prehistory of the Exclusive Right of Public Performance for Musical Compositions, 24 CARDOZO ARTS & ENT. L.J. 1157, 1158-59 (2007)). With the 1909 Copyright Act, federal copyright protection for musical works was further extended by adding an exclusive right to make “mechanical” reproductions of songs in “phonorecords”—in those days, piano rolls, but in the modern era, vinyl records and CDs. At the same time, Congress limited the new phonorecord right by enacting a compulsory license for this use...And in 1995, Congress confirmed that an owner’s exclusive right to reproduce and distribute phonorecords of musical works extends to digital phonorecord deliveries (“DPDs”)—that is, the transmission of digital files embodying musical works (Digital Performance Right in Sound Recordings Act of 1995 (“DPRSRA”), Pub. L. No. 104-39, § 4, 109 Stat. 336, 344-48; see also 17 U.S.C. § 115(c)(3)(A).)

Over time, new technologies changed the way people consumed music, from buying and playing sheet music, to enjoying player pianos, to listening to sound recordings on a phonograph or stereo system. (See U.S. COPYRIGHT OFFICE, FEDERAL COPYRIGHT PROTECTION FOR PRE-1972 SOUND RECORDINGS 7, 11 (2011) (“PRE-1972 SOUND RECORDINGS REPORT”); Michael Erlinger, Jr., An Analog

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7 Ibid, Pg. 3
8 Ibid, Pg. 12
9 Ibid, Pg. 16
10 Ibid. Pg. 17
As discussed, the United States government is one of many examples of government oversight and royalty rate-setting that are illustrated in the below charts:

<table>
<thead>
<tr>
<th>SERVICE TYPE</th>
<th>COPYRIGHT TYPE</th>
<th>REVENUE (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terrestrial radio</td>
<td>Musical work</td>
<td>3.7 (2011-2016)</td>
</tr>
<tr>
<td></td>
<td>Sound recording</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>3.7</td>
</tr>
<tr>
<td>Pre-existing satellite radio (i.e.,</td>
<td>Musical work</td>
<td>2.4 (2008)</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>11.4-13.4</td>
</tr>
<tr>
<td>Pre-existing cable music service</td>
<td>Musical work</td>
<td>5.5</td>
</tr>
<tr>
<td>(i.e., Music Choice)</td>
<td>Sound recording</td>
<td>8.0-8.5 (2013-2017)</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>13.5-14.0</td>
</tr>
<tr>
<td>Noninteractive</td>
<td>Musical work</td>
<td>4.0 (2014)</td>
</tr>
</tbody>
</table>

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11 Ibid, Pg. 17 and Pg. 18
<table>
<thead>
<tr>
<th>webcasters</th>
<th>Sound recording</th>
<th>25.0-56.0</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TOTAL</td>
<td>29.0-60.0</td>
</tr>
<tr>
<td>Interactive webcasters</td>
<td>Musical work</td>
<td>10.5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TYPE OF COPY</th>
<th>PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical phonorecords</td>
<td>$0.091 per song or $0.0175 per minute of playing time[^6]</td>
</tr>
<tr>
<td>Digital phonorecord deliveries (DPDs)</td>
<td>$0.091 per song or $0.0175 per minute of playing time[^7]</td>
</tr>
<tr>
<td>Limited downloads (tethered devices)</td>
<td>3.9 percent of revenue[^8]</td>
</tr>
<tr>
<td>Ringtones</td>
<td>$0.24 per song[^9]</td>
</tr>
</tbody>
</table>

[^1]: Rate extrapolated by using the 1.7 percent rate charged by ASCAP, with a 45.6 percent PRO market share for ASCAP, resulting in an industrywide rate of 3.7 percent. See *Pandora Media Inc.*, 6 F. Supp. 3d at 361 (45.6 percent market share); *id.* at 366 (1.7 percent royalty rate).


[^3]: This rate is extrapolated by using the 1.85 percent rate set for ASCAP. Using a 45.6 percent PRO market share for ASCAP, this results in an industrywide rate of approximately 4.0 percent. *Pandora Media Inc.*, 6 F. Supp. 3d at 361 (45.6 percent market share); *see id.* at 366 (1.85 percent royalty rate for noninteractive services). This 4 percent approximation was confirmed by the court’s description. *Id.* at 346.

[^4]: 60 percent is used here because it has been reported that “[i]n 2013, Pandora’s content acquisition costs were…over 60 percent of its revenue for that fiscal year.” *Pandora Media, Inc.*, 6 F. Supp. 3d at 328.
The arrangements between interactive webcasters and sound recording copyright owners are privately negotiated and not subject to any disclosure requirements. *See 17 U.S.C. § 114(e) (2012) (providing for private negotiations).*


This rate is arrived at by taking the 10.5 percent aggregate rate set by Copyright Office regulation and subtracting 6.6 percent as the portion to be paid for the public performance right. See infra notes 85–91 and accompanying text. 6.6 percent is arrived at by extrapolating from the 3 percent that ASCAP charges interactive webcasters, using a 45.6 percent market share for ASCAP, resulting in an industrywide rate of 6.6 percent. *See Pandora Media, Inc. v. Am. Soc’y of Composers, Authors, & Publishers,* 6 F. Supp. 3d 317, 351, 365 (S.D.N.Y. 2014).

*Mechanical License Royalty Rates,* supra note 6.

MusicBiz also provides other examples and infographics of Master, Mechanical Rights, and Public Performance/Communication Rights royalties that are regulated by global governments in 12 different countries are handled for the six most frequently requested types of music uses (download, non-interactive, on-demand, sync, lyrics, and karaoke). This symbiotic and overlapping structure of music (industry) community relationships and royalty structure of rights can also be downloaded below:

- Argentina
- Australia
- Brazil
- Canada
- France
- Germany
- Italy
- Japan
- Mexico
- United Kingdom
- United States

According to WIPO:

> These rights are defined within national copyright laws which are, in large part, shaped by international treaties, many of which are administered by WIPO (see box). Copyright law defines the rights conferred on authors of original works, and those who perform them, as well as those who support their widespread dissemination (i.e. record companies and broadcasters).

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Once a work has been created – lyrics or musical notes written down, arranged or recorded - copyright protection kicks in. There is no formal obligation to register a work with a national authority, although in some countries, such the US, registering a work with the Library of Congress is the only way to bring a court action for infringement.

Under the 1886 WIPO Berne Convention for the Protection of Literary and Artistic Works,\(^{15}\) an original work is protected for a minimum of 50 years after the author’s death but in many jurisdictions that figure can be 70 years or more.

In a nutshell, copyright enables those who hold rights in a work to decide how, when and where it may be used and by whom. One of the purposes of copyright is to create the conditions for creators to be able: to earn a living from their talent by getting a financial return on the time and energy they put into producing a work and being recognized as its author.

Copyright includes economic rights which give the creator the right to authorize, prohibit or obtain financial compensation (in the form of equitable remuneration) for:

- the reproduction of a work, for example, on a CD, online or in a film;
- the distribution of copies of a work;
- the communication to the public of a work. If a piece of music is performed in public or played over a sound system in a shopping mall or a disco, a royalty is payable to authors, performers and/or right holders according to the national legislation.
- broadcasting or otherwise making available a work to the public (i.e. via radio, TV or online)
- the adaptation of a work (if someone translates the lyrics of a song and wants to record these using the same music as that of the original song, or changes an original work adding new elements to it, they first need to get authorization from those with rights in the original work). The new adapted work also qualifies for copyright protection in its own right. Depending on the terms of the agreement to license the original work, anyone seeking to publish or use such a work may need to get authorization to do so from those with rights in the original work.

Copyright also confers moral rights (Article 6b is of the Berne Convention) allowing the creator of a work to claim authorship in it (the right of paternity or attribution) and to object to any modification of it that may be damaging or prejudicial to them (the right of integrity).

Under certain circumstances, there are limitations on copyright and related rights (as set out in international and national copyright laws). For example, when someone wants to use a work or a portion of it for teaching, scientific research, news reporting, etc.

Most countries recognize the possibility of using work without the right owner’s authorization but may regulate such use in different ways. Some countries have a list of “permitted uses” whilst others have a general provision in their copyright law (e.g. “fair use” in the US). Considerations in determining “fair use” include the nature and purpose of use, the nature of the work used; the amount of the work used; and the likely impact on the work’s commercial value.

As a guiding principle, the “free use” of protected works must be confined to certain specific instances; must not “conflict with the normal exploitation of the work”; and must “not unreasonably prejudice the legitimate interests of the author (or right holder).”

The owner of economic rights in a musical work (moral rights can never be transferred from the original author) can use them to generate income. They can sell or license them to a third party – a company or individual who is well placed to commercialize the work - in return for a payment known as a royalty, where payments usually depend on the actual use of the work. They can assign the rights to authorize or prohibit certain or all of the acts outlined above. In both instances, the person to whom the rights are sold or assigned becomes the new owner of the copyright. In some countries, e.g. Germany, assignment is not legally possible and so works can only be licensed.

Licensing involves the copyright owner entering into a deal with a third party, authorizing it to use the work for a specific purpose and time period. For example, a songwriter may give permission to a music publisher to authorize the recording of his or her song by performers and record companies. These licenses may be exclusive, involving only one party, or non-exclusive involving multiple parties.

Given the fact that it simply is not practical for authors and performers to negotiate separate licensing deals with every single radio or television station, or business that wants to use their work, musicians and other creators often sign up with, and in so doing, grant exclusive licenses to, a collective management organization. Acting on behalf of songwriters, musicians and performers, CMOs connect creators with those who want to use their work. National laws may also authorize a CMO to negotiate on behalf of authors and performers. CMOs authorize the use of a musician’s work; collect and distribute licensing fees or royalties, and also keep tabs on any misuse or infringement.

Every piece of music is protected by copyright. There is copyright in the music itself; in the lyrics of a song and related rights in the sound recording. If anyone wants to use a musical work, or a portion of it, they must obtain the permission of the copyright holder(s), except in the cases covered by a limitation (see above). Just as CMOs can help artists manage their music and collect associated royalties; they can also help those seeking to obtain permission to use a protected work.
Registration Policies include:

- **Eligibility**: Restricted to Music Community members with requisite awareness and recognition of the community addressed: the "strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music" (which includes members of DotMusic Music Community Member Organizations — MCMOs);
- **Authentication**: Mandatory Two-Step Phone & Email Authentication
- **Naming Conditions**: Name of (entire or portion of) entity or DBA; Acronym; Name recognizing or describing registrant; or Name related to registrant mission or activities;
- **Content & Use**: Only legal music content & legal music-related usage. No parking pages allowed;
- **Enforcement**: Proactive and reactive enforcement measures and anti-abuse procedures with random compliance checks, including appropriate appeals mechanisms to fix compliance issues governed by the music-tailored MUSIC Policy & Copyright Infringement Dispute Resolution Process ("MPCIDRP"). Independent appeals may be also conducted with the National Arbitration Forum (NAF).

For More Information on DotMusic:

- MUSIC Community Website
- MUSIC Community Supporters
- MUSIC Community Application
- MUSIC Community Public Interest Commitments
**Independent Nielsen/Harris Poll**

To address the DotMusic Application’s “Community Establishment,” “Community Definition” and “Nexus,” an independent survey was conducted within the United States from August 7-11, 2015 among 2,084 adults ages 18 and older, by Harris Poll\(^1\) on behalf of DotMusic Limited. Figures for age, sex, race/ethnicity, education, region and household income were weighted where necessary to bring them into line with their actual proportions in the population. The data was weighted to reflect the composition of the adult population. The independent polling organization Nielsen/Harris Poll addressed whether the applied-for string was *commonly-known* (i.e. known by most people\(^2\)) and associated with the identification of the community defined by DotMusic by asking the question:

> If you saw a website domain that ended in “.music” (e.g., www.name.music), would you associate it with musicians and/or other individuals or organizations belonging to the music community (i.e., a logical alliance of communities of individuals, organizations and business that relate to music)?\(^3\)

Most people, 1562 out of 2084 (i.e. 3 in 4 or 75% of the respondents) responded “Yes,”\(^4\) which is aligned with the “Nexus” Criterion 2A requirements that the applied-for string is “commonly-known” as the identification of the community addressed by the application.

Furthermore, a majority agreed that DotMusic’s associated definition of the community addressed that matches the string (i.e. a logical alliance of communities of individuals, organizations and business that relate to music) is representative and accurate.

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\(^1\) [http://www.harrisinteractive.com/Products/HarrisPollQuickQuery.aspx](http://www.harrisinteractive.com/Products/HarrisPollQuickQuery.aspx)


\(^3\) Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), Fielding Period: August 7-11, 2015, Pg. 1,2,3

\(^4\) Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), Fielding Period: August 7-11, 2015, Pg. 1,2,3
<table>
<thead>
<tr>
<th>Region</th>
<th>Age</th>
<th>Male Age</th>
<th>Female Age</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>North</td>
<td>South</td>
<td>Mideast</td>
</tr>
<tr>
<td></td>
<td>(A)</td>
<td>(B)</td>
<td>(C)</td>
</tr>
<tr>
<td>Unweighted</td>
<td>2884</td>
<td>470</td>
<td>656</td>
</tr>
<tr>
<td>Weighted</td>
<td>2884</td>
<td>470</td>
<td>656</td>
</tr>
<tr>
<td>No</td>
<td>932</td>
<td>147</td>
<td>147</td>
</tr>
<tr>
<td>Sigma</td>
<td>2884</td>
<td>470</td>
<td>656</td>
</tr>
</tbody>
</table>

Notes:
- Unweighted: Default table (A, B, C, D, E).
- Weighted: Table (F, G, H, I, J).
- Yes: Table (K, L, M, N, O).
- No: Table (P, Q, R, S, T).
- Sigma: Table (U, V).
**Q565** If you saw a website domain that ended in "music" (e.g., www.name.music), would you associate it with musicians and/or other individuals or organizations belonging to the music community (i.e., a logical alliance of communities of individuals, organizations and business that relate to music)?

**Base: All Respondents**

<table>
<thead>
<tr>
<th>Income</th>
<th>Education</th>
<th>Employment Status</th>
<th>Children in HHH</th>
<th>Parent of Child Under 18 in HHH</th>
<th>Home Ownership</th>
<th>Marital Status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Less Than 30K</td>
<td>30K-50K</td>
<td>50K-75K</td>
<td>75K-100K</td>
<td>100K+</td>
<td>Some</td>
</tr>
<tr>
<td>Total</td>
<td>(A)</td>
<td>(B)</td>
<td>(C)</td>
<td>(D)</td>
<td>(E)</td>
<td>(F)</td>
</tr>
<tr>
<td>Unweighted Base</td>
<td>2084</td>
<td>992</td>
<td>393</td>
<td>231</td>
<td>335</td>
<td>678</td>
</tr>
<tr>
<td>Weighted Base</td>
<td>2084</td>
<td>771</td>
<td>347</td>
<td>256</td>
<td>515</td>
<td>666</td>
</tr>
</tbody>
</table>

Yes

|        | 75% | 79% | 79% | 85% | 84% | 88% | 87% | 76% | 78% | 76% | 78% | 79% | 79% | 79% | 77% | 76% | 79% | 79% | 79% | 79% |

No

|        | 25% | 21% | 21% | 15% | 16% | 12% | 13% | 24% | 22% | 22% | 22% | 21% | 21% | 21% | 23% | 24% | 21% | 21% | 21% | 21% |

**Notes:**
- Some cells have been rounded for confidentiality.
- The table provides a detailed breakdown of respondents' responses across different income, education, and employment status categories, as well as marital status.
<table>
<thead>
<tr>
<th>Page</th>
<th>Table</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>Q3530. If you saw a website domain that ended in &quot;music&quot; (e.g., <a href="http://www.name.music">www.name.music</a>), would you associate it with musicians and/or other individuals or organizations belonging to the music community (i.e., a logical alliance of communities of individuals, organizations, and businesses that relate to music)?</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>Q3535. If you saw a website domain that ended in &quot;music&quot; (e.g., <a href="http://www.name.music">www.name.music</a>), would you associate it with musicians and/or other individuals or organizations belonging to the music community (i.e., a logical alliance of communities of individuals, organizations, and businesses that relate to music)?</td>
</tr>
</tbody>
</table>
What is the DotMusic’s community-based .MUSIC Initiative?

DotMusic is the only remaining .MUSIC community applicant with policies that ensure that music artists, bands, industry professionals and organizations register a trusted, secure and verified .MUSIC domain — just like a .EDU or .GOV domain — and own their exclusive www.name.music web address.

A community-based .MUSIC differentiates itself from .COM, .NET, .ORG and other domains because:

1. .MUSIC is exclusive only to legitimate members of the entire global music community;
2. .MUSIC is governed and controlled by the global music community. Each music constituent community type\(^1\) has a governance seat on the multi-stakeholder .MUSIC policy advisory board;
3. .MUSIC’s community application is supported by a majority of the global music community in terms of headcount, and growing (See http://music.us/supporters);
4. .MUSIC has enhanced safeguards to protect intellectual property, prevent cybersquatting and eliminate copyright infringement;
5. .MUSIC has incorporated all RIAA intellectual property protection provisions that include policies to stop domain hopping, takedown policies in the case of piracy, authorization provisions, permanent blocks, privacy/proxy provision, true name/address mandates and trusted sender complaint policies amongst others;
6. .MUSIC requires registrant validation through a mandatory two-step phone and email authentication process;
7. .MUSIC protects names of famous music artists and brands by giving registration priority to those entities during a priority-based launch phase. .MUSIC also gives registration priority to community members belonging to legitimate Music Community Member Organizations to spur adoption, trust and safety;
8. .MUSIC has domain naming conditions that eliminate cybersquatting and famous music brand trademark infringement. Registrants are only allowed to register their own name, acronym or “Doing Business As;”
9. .MUSIC only allows legal music content and legal music usage; and
10. .MUSIC will take down any domain infringing on any of its enhanced safeguard policies.

The DotMusic Mission for .MUSIC is focused on furthering the common interest shared by the entire global music community it serves: the legal promotion and distribution of music. Its purpose is:

1. Creating a trusted, safe online haven for music consumption and licensing;
2. Establishing a safe home on the Internet for Music Community members;
3. Protecting intellectual property and fighting piracy;
4. Supporting musicians’ welfare, rights and fair compensation; and
5. Promoting music and the arts, cultural diversity and music education; and
6. Following a multi-stakeholder approach of fair representation of all types of global music constituents without discrimination, including both commercial and non-commercial entities.

For more information on .MUSIC visit: http://www.music.us

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\(^1\) Constituent types include artists/bands/musicians, songwriters, major/independent labels, publishers, instrument and music product manufacturers, performance rights organizations, collection societies, unions, managers, engineers, agents, promoters, government ministries of culture, music/arts councils, music associations, music radio and others.
DotMusic Limited: .MUSIC Community Application Specifications

<table>
<thead>
<tr>
<th>&quot;Also Known As&quot;</th>
<th>.MUSIC™</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application ID</td>
<td>1-1115-14110</td>
</tr>
<tr>
<td>Total Top-Level Domain Applications Filed</td>
<td>1</td>
</tr>
<tr>
<td>Type of Application</td>
<td>Community (Restricted)</td>
</tr>
<tr>
<td>Policy Advisory Board &amp; Multi-Stakeholder Governance</td>
<td>Yes.</td>
</tr>
<tr>
<td>Community Member Organization Resellers/Partners</td>
<td>Yes.</td>
</tr>
<tr>
<td>Music Organization Accreditation Requirements</td>
<td>Yes. Eligible organizations get priority in MCMO Phase(1)</td>
</tr>
<tr>
<td>Who Can Register (Eligibility)</td>
<td>Entire global Music Community</td>
</tr>
<tr>
<td>Phone &amp; Email Two-Step Authentication</td>
<td>Yes.</td>
</tr>
<tr>
<td>Protect Famous Music Artist/Brand Names</td>
<td>Music Globally Protected Marks List (GPML)</td>
</tr>
<tr>
<td>Domain Naming Conditions</td>
<td>Yes. 1. Entity name (or portion of); or</td>
</tr>
<tr>
<td></td>
<td>2. Doing Business As; or</td>
</tr>
<tr>
<td></td>
<td>3. Acronym (AKA); or</td>
</tr>
<tr>
<td></td>
<td>4. Name recognizing entity; or</td>
</tr>
<tr>
<td></td>
<td>5. Name describing entity</td>
</tr>
<tr>
<td>Use:</td>
<td>Only legal music activities allowed</td>
</tr>
<tr>
<td>Only Music-Related Activity Usage</td>
<td>Yes. Only music usage allowed</td>
</tr>
<tr>
<td>Prohibits registering of domain</td>
<td>Yes.</td>
</tr>
<tr>
<td>with established artist's/brand's name</td>
<td>Yes.</td>
</tr>
<tr>
<td>Content:</td>
<td>Only Music-Related Content allowed</td>
</tr>
<tr>
<td>Quality Content Control (Parking Pages)</td>
<td>Yes. Parking pages are not allowed</td>
</tr>
<tr>
<td>Policy, IP &amp; Copyright Infringement Enforcement</td>
<td>Extensive enforcement measures constituting a coherent set</td>
</tr>
<tr>
<td>Enforcement &amp; Appeals Mechanisms</td>
<td>Appropriate appeals mechanisms</td>
</tr>
<tr>
<td>Independent Dispute Resolution Provider</td>
<td>Yes. National Arbitration Forum (NAF)</td>
</tr>
<tr>
<td>Music-Focused Registration Policy Dispute Resolution</td>
<td>MPCIDRP</td>
</tr>
<tr>
<td>Music-tailored Copyright Protection Provisions</td>
<td>Extensive enhanced safeguards and copyright provisions (2)</td>
</tr>
<tr>
<td>Community Definition</td>
<td>Organized &amp; delineated logical alliance of music communities</td>
</tr>
<tr>
<td>Community Support</td>
<td>Majority. Coalition represents over 95% of global music consumed</td>
</tr>
<tr>
<td>Community Objection</td>
<td>There has been no Community Objection or relevant opposition (3)</td>
</tr>
<tr>
<td>Music-Tailored Public Interest Commitments (PIC)</td>
<td>Public Interest Commitments with Clarifications (4)</td>
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<tr>
<td>Public Community Outreach Campaign</td>
<td>250+ public events (2008-Present)</td>
</tr>
<tr>
<td>.music-focused Social Media Engagement</td>
<td>Extensive. 5+ million across all media</td>
</tr>
<tr>
<td>Trademark for .MUSIC™</td>
<td>Yes. Over 40 countries/regions</td>
</tr>
<tr>
<td>Community Premium Channels</td>
<td>Yes. Sorted by Type, Genre, Language, Geography, Keyword</td>
</tr>
<tr>
<td>Global Legal Song Licensing Registry based on DNS</td>
<td>Yes.</td>
</tr>
</tbody>
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(1) DotMusic gives priority to members of Music Organizations during MCMO Phase. During General Availability, all Community members (including non-MCMO members) can register .MUSIC.

(2) DotMusic has more enhanced safeguards than all MUSIC applicants combined. DotMusic has incorporated all IFPI/RIAA IP protection provisions that include stopping domain hopping, takedown policies, authorizations, permanent blocks, privacy/proxy, true name/address and trusted sender complaint policies.

(3) DotMusic addressed all concerns/comments raised by the Music Community and filed the PIC which clarifies how the Application serves the Community and the public interest. According to the ICANN New gTLD Program Applicant Guidebook: “To be taken into account as relevant opposition, such objections or comments must be of a reasoned nature. Sources of opposition that are clearly spurious, unsubstantiated, made for apurpose incompatible with competition objectives, or filed for the purpose of obstruction will not be considered relevant.” (Community Priority Evaluation Guidelines, P.26).

(4) By filing these Public Interest Commitments with ICANN, DotMusic commits to serve the Music Community and Public Interest as clarified and may be held accountable via the PICDRP.

(5) The Premium Channels available to all validated community members are sorted/delineated according to NAICS community type (Musician/Band/Professional/Company), Genre (e.g. Rock.music), Language (e.g. French.music), Geography (e.g. London.music / France.music) and Keywords (e.g. Lyrics.music).

For More Info on .MUSIC™ (DotMusic) visit: http://www.music.us

.MUSIC Supporting Organizations: http://www.music.us/supporters
**.MUSIC Applicant Comparison Chart: DotMusic Limited vs. Other .MUSIC Applicants**

<table>
<thead>
<tr>
<th>“Also Known As”</th>
<th>DotMusic Limited</th>
<th>.music LLC</th>
<th>Amazon S.a.r.l</th>
<th>Charleston Road</th>
<th>dot Music Limited</th>
<th>Victor Cross</th>
<th>Entertainment Names</th>
<th>Dotmusic Inc</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>.MUSIC™</td>
<td>Far Further</td>
<td>Amazon</td>
<td>Google</td>
<td>Famous Four Media</td>
<td>Donuts/Rightsides</td>
<td>Minds and Machines</td>
<td>Radix</td>
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<tr>
<td>Application ID</td>
<td>1-1115-14110</td>
<td>1.959-51046</td>
<td>1-1316-18029</td>
<td>1-1680-18593</td>
<td>1-1175-68062</td>
<td>1-1571-12951</td>
<td>1-984-99764</td>
<td>1-1058-25065</td>
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<tr>
<td>Total Top-Level Domain</td>
<td>1</td>
<td>1</td>
<td>76 (Portfolio)</td>
<td>101 (Portfolio)</td>
<td>60 (Portfolio)</td>
<td>307 (Portfolio)</td>
<td>71 (Portfolio)</td>
<td>31 (Portfolio)</td>
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<tr>
<td>Applications Filed</td>
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<td></td>
<td></td>
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<td></td>
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<tr>
<td>Type of Application</td>
<td>Community</td>
<td>Community</td>
<td>Standard</td>
<td>Standard (Open)</td>
<td>Standard (Open)</td>
<td>Standard (Open)</td>
<td>Standard (Open)</td>
<td>Standard (Open)</td>
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<tr>
<td>Policy Advisory Board</td>
<td>Yes</td>
<td>Yes, Board still pending</td>
<td>No</td>
<td>No</td>
<td>Limited Board</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>Multi-Stakeholder</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td>Governance</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Community Member</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>Organization Resellers/</td>
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<td>Partners</td>
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<td></td>
<td></td>
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<tr>
<td>Music Organization</td>
<td>Yes, Eligible</td>
<td>No, Invite-only</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>Requirements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Who Can Register</td>
<td>Entire global</td>
<td>Only those belonging to 42</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>(Eligibility)</td>
<td>Music Community</td>
<td>organizations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Phone &amp; Email Two-Step</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>Authentication</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Protect Famous Music</td>
<td>Music Globally</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Artist/Brand Names</td>
<td>Protected Marks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>List (GPML)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domain Naming Conditions</td>
<td>Yes. 1. Entity name (or</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
</tr>
<tr>
<td></td>
<td>portion of); or</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>As; or</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Acronym (AKA);</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
</tr>
<tr>
<td><strong>4. Name recognizing entity; or</strong></td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
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<tr>
<td><strong>Use:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Only Legal Music Activities</strong></td>
<td>Yes. Only legal music activities allowed</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
</tr>
<tr>
<td><strong>Prohibits registering of domain</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>with established artist's/brand's name</strong></td>
<td>Yes</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
</tr>
<tr>
<td><strong>Content:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Only Music-Related Content</strong></td>
<td>Yes. Only music content allowed</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
</tr>
<tr>
<td><strong>Quality Content Control (Parking Pages)</strong></td>
<td>Yes. Parking pages are not allowed</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
<td>No. Open</td>
</tr>
<tr>
<td><strong>Independent Dispute Resolution Provider</strong></td>
<td>Yes. National Arbitration Forum (NAF)</td>
<td>None specified</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td><strong>Music-Focused Registration Policy Dispute Resolution</strong></td>
<td>MPCIDRP</td>
<td>Partial. Only for Eligibility (MEDRP)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td><strong>Community Definition</strong></td>
<td>Organized &amp; delineated logical alliance of music communities</td>
<td>Segments from 42 organizations</td>
<td>Open</td>
<td>Open</td>
<td>Open</td>
<td>Open</td>
<td>Open</td>
<td>Open</td>
</tr>
<tr>
<td><strong>Community Support</strong></td>
<td>Majority. Coalition represents over 95% of global music consumed</td>
<td>Minority. Only 4 million members</td>
<td>Open</td>
<td>Open</td>
<td>Open</td>
<td>Open</td>
<td>Open</td>
<td>Open</td>
</tr>
<tr>
<td><strong>Community Objection</strong></td>
<td>There has been no</td>
<td>Objection.</td>
<td>Objection.</td>
<td>Objection.</td>
<td>Objection.</td>
<td>Objection.</td>
<td>Objection.</td>
<td>Objection.</td>
</tr>
<tr>
<td>Music-Tailored Public Interest Commitments (PIC)</td>
<td>Community Objection or relevant opposition (3)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
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<td>---</td>
</tr>
<tr>
<td>.music Community TLD Support Petition</td>
<td>Public Interest Commitments with Clarifications (4)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Public Community Outreach Campaign</td>
<td>1.5+ million signed petition</td>
<td>Negligible</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>.music-focused Social Media Engagement</td>
<td>200+ public events (2008-Present)</td>
<td>Extensive. 5+ million across all media</td>
<td>Negligible</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
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<td>Yes. Over 40 countries/regions</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>1 country</td>
</tr>
<tr>
<td>Community Premium Channels</td>
<td>Yes. Sorted by Type, Genre, Language, Geography, Keyword (5)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Global Legal Song Licensing Registry based on DNS</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
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(1) DotMusic gives priority to members of Music Organizations during MCMO Phase. During General Availability all Community members (including non-MCMO members) can register a .MUSIC domain.

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Note: DotMusic has partnered with Afilias, the backend registry provider of .ORG. Afilias is the second largest registry in the world with over 20 million domains under management, which is more than all other .MUSIC applicants combined (See [http://www.afilias.info/about-us](http://www.afilias.info/about-us)).
Letter to ICANN & Economist Intelligence Unit

Analysis of DotMusic’s Community-Based Application for .MUSIC consistent with other CPE Determinations by the EIU

September 23, 2015
Preface

Criterion #1: Community Establishment

1-A Delineation

Delineation
Organization
Pre-existence

1-B Extension
Size
Longevity

Criterion #2: Nexus between Proposed String and Community

2A – Nexus
2B – Uniqueness

Criterion #3: Registration Policies (Also See Registration Process & Policies Flowchart, Appendix D)

3-A Eligibility
3-B Name Selection
3-C Content and Use
3-D Enforcement

Criterion #4: Community Endorsement

4-A Support
4-B Opposition

References

Disclaimer:

Appendix A: Expert Testimonies
Appendix B: Independent Nielsen/Harris Poll
Appendix C: Community Establishment & Nexus Venn Diagram
Appendix D: Registration Process Flowchart & Policies
Appendix E: MUSIC Applicant Comparison Chart

Preface
The objective of this letter to the EIU and ICANN is to provide compelling evidence that DotMusic Limited’s community-based application for .MUSIC:

1) Is entirely different from that of Far Further’s (.music LLC) community-based application for .MUSIC (See .MUSIC Applicant Comparison Chart, Appendix E);
2) Should pass CPE based on consistency with respect to points awarded to other CPE applicants by the EIU in their CPE Determinations; and
3) Has no opposition that is deemed relevant (i.e. opposition is clearly spurious, unsubstantiated, made for a purpose incompatible with competition objectives, and filed for the purpose of obstruction and should not be considered relevant)

Criterion #1: Community Establishment

1-A Delineation

The Community Priority Evaluation panel should determine that the community, as defined by the application, meets the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook (AGB), because the community defined in the application demonstrates sufficient delineation, organization, and pre-existence. It is respectfully submitted that the application should receive a score of 2 out of 2 points under criterion 1-A: Delineation.

Delineation

Two conditions must be met to fulfill the requirements for delineation: there must be a clear, straightforward membership definition and there must be awareness and recognition of a community (as defined by the application) among its members.

The application defines its community as follows:

The Community is a strictly delineated and organized community of individuals, organizations and business, a “logical alliance of communities of a similar nature (“COMMUNITY”),” that relate to music: the art of combining sounds rhythmically, melodically or harmonically. (Question 20A)

According to the .HOTEL¹ EIU Determination for Delineation:

.hotel domains will be available for registration to all companies which are member of the Hotel Community on a local, national and international level. The registration of .hotel domain names shall be dedicated to all entities and organizations representing:

1. Individual Hotels
2. Hotel Chains
3. Hotel Marketing organizations representing members from 1. and/or 2.

4. International, national and local Associations representing Hotels and Hotel Associations representing members from 1. and/or 2.
5. Other Organizations representing Hotels, Hotel Owners and other solely Hotel related organizations representing on members from 1. and/or 2.

These categories are a logical alliance of members... Furthermore, association with the hotel sector can be verified through membership lists, directories and registers. In addition, the community as defined in the application has awareness and recognition among its members. This is because the community is defined in terms of its association with the hotel industry and the provision of specific hotel services.

According to the AGB, “[d]elineation relates to the membership of a community, where a clear and straight-forward membership definition scores high, while an unclear, dispersed or unbound definition scores low.” As required by the AGB, the application shows a clear and straight-forward membership definition because the application specifies that the Community definition is a “strictly delineated and organized community of individuals, organizations and business...that relate to music: the art of combining sounds, rhythmically, methodically or harmonically.”

According to the application:

DotMusic will use clear, organized, consistent and interrelated criteria to demonstrate Community Establishment beyond reasonable doubt and incorporate safeguards in membership criteria “aligned with the community-based Purpose” ...

Registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership” without discrimination, conflict of interest or “likelihood of material detriment to the rights and legitimate interests” of the Community. (Question 20A)

The Application also provides that the “Community” served consists of:

[M]usic stakeholders being structurally organized using pre-existing, strictly delineated classes and recognized criteria to clearly organize the Community classified by:

• North American Industrial Classification System codes (NAICS) used by the Census Bureau and Federal statistical agencies as the classification standard for the purpose of collecting, analyzing, and publishing statistical data related to the U.S.

• United Nations International Standard Industrial Classification (ISIC) system to “delineate according to what is the customary combination of activities” such as those representing the Community.

---

2 [http://www.census.gov/eos/www/naics](http://www.census.gov/eos/www/naics)
The Music Community is strictly delineated using established NAICS codes that align with the (i) characteristics of the globally recognized, organized Community, and (ii). MUSIC global rotating multi-stakeholder Advisory Board model of fair representation, irrespective of locale, size or commercial/non-commercial status, organized with the following delineation (corresponding NAICS code in parenthesis):

- Musical groups and artists (711130)
- Independent music artists, performers, arrangers & composers (711500)
- Music publishers (512230)
- Music recording industries (512290)
- Music recording & rehearsal studios (512240)
- Music distributors, promoters & record labels (512220)
- Music production companies & record producers (512210)
- Live musical producers (711130)
- Musical instrument manufacturers (339992)
- Musical instruments & supplies stores (451140)
- Music stores (451220)
- Music accountants (541211)
- Music lawyers (541110)
- Music education & schools (611610)
- Music agents & managers (711400)
- Music promoters & performing arts establishments (711300)
- Music promoters of performing arts with facilities (711310)
- Music promoters of performing arts without facilities (711320)
- Music performing arts companies (711100)
- Other music performing arts companies (711190)
- Music record reproducing companies (334612)

• Music, audio and video equipment manufacturers (334310)
• Music radio networks (515111)
• Music radio stations (515112)
• Music archives & libraries (519120)
• Music business & management consultants (541611)
• Music collection agencies & performance rights organizations (561440)
• Music therapists (621340)
• Music business associations (813910)
• Music coalitions, associations, organizations, information centers & export offices (813920)
• Music unions (813930)
• Music public relations agencies (541820)
• Music journalists & bloggers (711510)
• Internet Music radio station (519130)
• Music broadcasters (515120)
• Music video producers (512110)
• Music marketing services (541613)
• Music & audio engineers (541330)
• Music ticketing (561599)
• Music recreation establishments (722410)
• Music fans/clubs (813410)

(Question 20A)

Membership is determined through those individuals or entities with requisite awareness that identify as members of the Music Community through either active verified membership and participation in a Music Community Member Organization (mCMO) (of which members comprise over 95% of music produced and consumed worldwide) or those individuals or organizations, which may not be mCMO members, but which have requisite awareness of the community and affirmative identify and categorize
themselves according to NAICS/ISIC classifications and agree to abide by and support the Community focused Use Policies (Also see Venn Diagram, Appendix C).

In support of those goals the Application provides that:

1) DotMusic will incorporate Community membership eligibility restricted only to members verifying themselves as Community members based on NAICS/ISIC classifications and agreeing to Community-focused Use policies and dispute resolution/takedown mechanisms to benefit the .MUSIC Mission/Purpose and multi-stakeholder mission and to protect DotMusic from privacy and monopoly laws. Any violation of the membership criteria, Use and other Policies might lead to the cancellation of membership status, including domain takedown if deemed appropriate.

Community members will be able to use their membership credentials to be included in the uniquely-classified Premium Channels that are sorted according to NAICS/ISIC classifications. For example, music publishers (NAICS code 512230) will be able to organically self-categorize themselves in a highly relevant manner and be included in the Publishers.MUSIC Premium Channel using their membership credentials to participate. (Question 18B ii);

And

2) For members with requisite awareness that are also part of existing Music Community Member Organizations (mCMOs), the Application provides a Landrush registration:

Music Community Member Organization (MCMO) Landrush for registrants with demonstrated MCMO memberships...

MUSIC COMMUNITY MEMBER ORGANIZATION (MCMO) LANDRUSH LAUNCH

This is the second phase of .MUSIC domain registration. It is a limited-time period reserved for members of DotMusic-accredited music Community Member Organizations (mCMO). (Application Answer to Question 18(B)(vi) & 20(e))

The mCMO domain allocation method during the Landrush phase was created by DotMusic to allow Community members to register through established Community organizations. During the General Registration phase the TLD is open to all Community members for registration, but also restricted by Eligibility, Use and other Policies, including enhanced safeguards. (Application Answer to Question 20B).

Applicant requires that members of the Community self-identify by selecting the delineation of the music constituent type to which they belong to or associate with. This identification process is aligned with the member’s requisite awareness of the “logical alliance of communities related to music.” After

5 Members sorted according to these classifications must be music-related
their self-identifying, the Registry will place the registrant/community member into the corresponding premium channel(s) sorted according to music delineation type. Most importantly, all registrants/community members are governed by the applicant’s Community Use Policies and Restrictions that are related to music.

According to the .ECO⁶ EIU CPE Determination in Community Establishment:

The community as defined in the application has awareness and recognition among its members. According to the application:

The Community has historically structured and organized itself and its work through an international network of organizations, including millions of individual members with strongly aligned goals, values and interests. As well as collaborating via long-standing international multi-stakeholder fora and membership organizations, members traditionally organize through multi-organization alliances around specific events, geographies, and issues.

According to the AGB, “community” implies “more of cohesion than a mere commonality of interest” and there should be “an awareness and recognition of a community among its members.” Based on the Panel’s research and materials provided in the application, the community members as defined in the application demonstrate the “cohesion” required by the AGB. The application dictates four types of members, whose cohesion and awareness is founded in their demonstrable involvement in environmental activities and who “demonstrate active commitment, practice and reporting.”

...the community as defined in the application has awareness and recognition among its members. This is because the community is defined in terms of its association with, and active participation in, environmental activities and environmental conservation and preservation.

The EIU’s CPE Determination for .ECO is also consistent with DotMusic’s Delineation for .MUSIC. According to the AGB’s second Delineation criterion, “community” implies “more of cohesion than a mere commonality of interest” and there should be “an awareness and recognition of a community among its members.” The community as defined in the application (the “Community”) has awareness and recognition among its members. This is because the community as defined consists of entities that are in the music Community (which may be commonly referred to by many in the general public as the “music industry”)⁷, and as participants, whether they be creators (amateur or professional), producers, manufacturers, publishers in this clearly defined industry, they have an awareness and recognition of their inclusion in the music Community. In addition, membership in the Community is sufficiently structured, as the requirements listed in the community definition above show. Members recognize

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themselves as part of the music community as evidenced, for example, by their inclusion in many music community organizations and participation in their events.

The application’s Public Interest Commitments provide clarification of the application language concerning the requirement of Community awareness and recognition among its members:

- A commitment to not discriminate against any legitimate members of the global music community by adhering to the DotMusic Eligibility policy of non-discrimination that restricts eligibility to Music Community members -- as explicitly stated in DotMusic’s Application -- that have an active, non-tangential relationship with the applied-for string and also have the requisite awareness of the music community they identify with as part of the registration process. This public interest commitment ensures the inclusion of the entire global music community that the string .MUSIC connotes. (PIC at p.1)

- A commitment that the string will be launched under a multi-stakeholder governance structure of representation that includes all music constituents represented by the string, irrespective of type, size or locale, including commercial, non-commercial and amateur constituents, as explicitly stated in DotMusic’s Application.

As explicitly stated in its Application, DotMusic commits to:

a. uphold its Community definition of a “logical alliance of communities of similar nature that relate to music” to incorporate all Music Community members;

b. accredit eligible non-negligible music organizations of relevance without discrimination if they meet the Music Community Member Organization (MCMO) Accreditation criteria;

c. to give members of MCMOs priority to register a .MUSIC domain during the MCMO Launch Phase to help launch .MUSIC responsibly and drive adoption;

d. to allow all legitimate members of the Community as defined to register a .MUSIC domain;

e. maintain a rotating, global Advisory Committee (“Policy Advisory Board” “PAB”) consisting of and representing all multi-stakeholder constituent types. (PIC at p.2)

- [E]ntities with a casual, tangential relationship with music (i.e. without the requisite awareness of belonging to the Community) or those entities belonging to pirate networks or unlicensed networks are entirely excluded from the Music Community

8 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetailsdownloadpicposting/1392?ac=1392
The defined Community is delineated and organized because it operates in a regulated sector that uses numerous globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless whether the constituent is a commercial, non-commercial or amateur entity. The “music” community cohesion is evidenced in commonly used classification systems such as the ISMN, ISRC, ISWC and ISNI. (PIC at p.11 and Application Answer to Question 20a)

DotMusic expects that the substantial majority of all of its registrations will originate from the music entity type classified as “Musical groups and artists” (e.g. See North American Industrial Classification System (NAICS) code 711130 or the United Nations Industrial Classification (ISIC) code 9214). (PIC at p.11).

DotMusic has required all music entity types to be “music”-related. For example, all eligible entities delineated and organized under constituent types (using NAICS as a reference for clearly classifying constituent types) must have an association with the gTLD and “music” with respect to their primary activity. This is because the string naturally identifies all entities involved in music. For example, the NAICS code for “lawyers” is 541110. According to DotMusic’s Application, .music is only restricted to the “music” Community and excludes any peripheral entities. DotMusic’s Application has added the word "music" next to the DotMusic-selected NAICS code to ensure that

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

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


the eligible Community members are automatically associated with the string. In this example, eligibility is restricted to “Music lawyers (541110)” (See Application Answer to Question 20a below) i.e. general, non-music lawyers are prohibited from registration because they are peripheral entities not automatically associated with the gTLD. (PIC at pp. 11-12).

- music-only eligibility is also in alignment with the Content & Use requirement that any content and usage must be music-only. This coherent set of restrictions serves the public interest because it is consistent with the string’s articulated community-based purpose tailored for music. (PIC at p.12)

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary15) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries16).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” (i.e. Each “organized community that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

Based on the Application, DotMusic uses “clear, organized, consistent and interrelated criteria to demonstrate Community Establishment beyond reasonable doubt and incorporate safeguards in membership criteria aligned with the community-based Purpose” (Application Answer to Question 20a). As such, each Community member must have demonstrable involvement in music-related activities aligned with the application’s articulated community-based purpose that follows unified goals which the Community addressed subscribes to, such as:

1) creating a trusted identifier and safe haven for music consumption by protecting musicians’ rights and intellectual property,

2) fighting copyright infringement/piracy,

3) supporting fair compensation and music education;

4) following a multi-stakeholder approach supporting all types of global music constituents without discrimination; and

5) Multi-stakeholder governance17 by relevant organizations with Community members representing over 95% of music consumed globally, including many

15 http://www.merriam-webster.com/dictionary/cohesion
16 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
17 See expanding governance board at http://music.us/board
entities *mainly* dedicated to the Community. (See Application, Mission and Purpose, Q.18 and Q.20)

This active and overlapping commitment to shared goals among the various types of delineated music constituents are indicative of “cohesion” because they cohere in their activities which are aligned with DotMusic’s clearly defined purpose. The mission and activities overlap among the wide array of supporting member organizations and community members.

Accordingly, it is respectfully submitted that the Panel should determine that the community as defined in the application satisfies both of the conditions to fulfill the requirements for delineation.

**Organization**

Two conditions must be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community and there must be documented evidence of community activities. According to the AGB, "organized" implies that there is at least one entity mainly dedicated to the community, with documented evidence of community activities."

According to ICANN’s Applicant Guidebook (“AGB”)\(^{18}\): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly\(^{19}\) dedicated to the community which has supported DotMusic. Applicant’s supports include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations. At least seven (7) such entities support Applicant.

One entity that is mainly dedicated to the community is the International Federation of Phonographic Industry (IFPI). The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide”\(^{20}\) whose members\(^{21}\) – major and

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19 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See [http://www.oxforddictionaries.com/definition/english/mainly](http://www.oxforddictionaries.com/definition/english/mainly) and [http://www.merriam-webster.com/dictionary/mainly](http://www.merriam-webster.com/dictionary/mainly) respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?r=ac=1392]).
20 [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)
independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member,\(^2\) represents “approximately 85% of all legitimate recorded music produced and sold in the United States,”\(^2\) the world’s largest music market with 30% global market share.\(^2\) Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.” The IFPI has been active since its founding in 1933 and its documented activities and events include market research and global insight, legal policy and litigation, performance rights, anti-piracy, international trade, technology and communications.\(^2\)

A second entity that is mainly dedicated to the community is the International Federation of Musicians (FIM) representing the “voice of musicians worldwide.” FIM is the only global music body representing musicians and their trade unions globally with members in over 60 countries.\(^2\) FIM is the only international federation that is mainly dedicated to and represents musicians globally which has official relations with the United Nations Economic and Social Council (ECOSOC)\(^2\); the United Nations Educational, Scientific and Cultural Organization (UNESCO) (Consultative Status); the World Intellectual Property Organization (WIPO) (Permanent Observer Status); and the Organisation internationale de la Francophonie (OIF). FIM is a member of International Music Council (IMC) founded in 1949 by UNESCO, which represents over 200 million music constituents from over 150 countries and over 1000 organizations.\(^2\) FIM’s aim is to “protect and elevate the economic, social and artistic status and interests of musicians, both in their role as performers and as producers of the recording of their own performances.”\(^2\)

The FIM, founded in 1948, is globally-recognized and has a permanent relationship with the United Nations Educational, Scientific and Cultural Organization (UNESCO),\(^2\) the International Labor Organization (ILO)\(^2\) and the World Intellectual Property Organization (WIPO).\(^2\) It is recognized and consulted by the Council of Europe,\(^2\) the European Commission\(^2\) and the European Parliament.\(^2\) It enables it to participate in crucial negotiations on the protection of performers where it can make the voice of musicians heard. The FIM is also member of the International Music Council (IMC).\(^2\) It also collaborates with all national and international organizations representing workers in the media field. Activities include the creation of the International Arts and Entertainment Alliance (IAEA)\(^2\) with the

\(^{21}\) http://www.ifpi.org/our-members.php
\(^{22}\) http://www.ifpi.org/national-groups.php
\(^{23}\) http://www.riaa.com/faq.php
\(^{24}\) http://www.statista.com/topics/1639/music/
\(^{25}\) http://www.ifpi.org/what-we-do.php
\(^{26}\) http://www.fim-musicians.org
\(^{27}\) http://www.ime-cim.org/about-ime-separator/who-we-are.html
\(^{28}\) http://ngo-db.unesco.org/r/or/en/1100025135
\(^{29}\) http://en.unesco.org
\(^{30}\) http://www.ilo.org
\(^{31}\) http://wipo.int
\(^{32}\) http://www.coe.int
\(^{33}\) http://ec.europa.eu/index_en.htm
\(^{34}\) http://www.europarl.europa.eu/portal/en/
\(^{35}\) http://www.ime-cim.org
\(^{36}\) http://www.iaea-globalunion.org
International Federation of Actors (FIA)\(^{37}\) and UNI-Media and Entertainment International (UNI-MEI).\(^{38}\) IAEA is a member of the Council of Global Unions (CGU).\(^{39}\) Furthermore, the FIM works closely with collecting societies administering performers’ rights. Its documented activities and events include the furtherance of musicians in all countries, strengthening of international collaboration, promoting of national and international protective legislative (or other) initiatives in the interests of musicians, obtaining and compilation of statistical and other information referring to the music profession and provision of such information to member unions, as well as holding events such as international congresses and conferences.\(^{40}\)

Another third entity dedicated to the community is the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA). IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.\(^{41}\) IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per (Application Answer to Question 20a).

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\(^{42}\) The UNESCO strategic partnership\(^{43}\) is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\(^{44}\) IFACCA’s extensive activities, campaigns and global recognition can be evidenced by the recent release of a communique\(^{45}\) in collaboration with other leading networks, such as the International Music Council, IFCCD, Agenda 21 for culture (UCLG), Culture Action Europe, Arterial Network, ICOMOS, IFLA and Red Latinoamericana de Arte para la Transformación Social. This global campaign was signed by 900 organisations in 120

\(^{37}\) [http://www.fia-actors.com](http://www.fia-actors.com)
\(^{38}\) [http://www.uniglobalunion.org](http://www.uniglobalunion.org)
\(^{39}\) [http://www.global-unions.org](http://www.global-unions.org)
\(^{40}\) [http://www.fim-musicians.org/about-fim/history/](http://www.fim-musicians.org/about-fim/history/)
\(^{41}\) [http://www.ifacca.org/membership/current_members/](http://www.ifacca.org/membership/current_members/)
\(^{42}\) [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
\(^{43}\) [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
\(^{44}\) [http://www.imc-cim.org/about-imc-separator/who-we-are.html](http://www.imc-cim.org/about-imc-separator/who-we-are.html)
countries to create a global voice for the cultural sector.  

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania, or government Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).

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48 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10), Musical Festivities for the European Volunteerism Year (1.2.11)
49 http://www.culturalpolicies.net/down/albania_012011.pdf
52 2011 Annual Report from New Zealand Ministry of Culture:
• The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.  

• Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund. 

• The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012. 

• The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.  

• The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”  

• The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association. 

• In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.
Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

A fourth entity NAMM, the International Music Products Association, is an entity mainly dedicated to the community and is a group of non-negligible size that has supported DotMusic. NAMM, formed in 1901, has globally-recognized members and exhibitors that include Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica, AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanex, AVID, Casio, DW, Sabian, Pearl, Zildjian, Martin, Ludwig, Marshall and others. Every amateur and professional musician worldwide uses music products manufactured and distributed by NAMM’s members. NAMM and its trade shows power the $17 billion global music products industry serving as a hub for the global music community wanting to seek out the newest innovations in musical products, recording technology, sound and lighting. NAMM documented activities and events include the NAMM Show, the world’s largest event for the music products community.

A fifth global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic "included several measures to deter and address copyright infringement within that TLD." The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” – a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) from a sixth entity, the NMPA and on behalf of a music publisher and songwriter community coalition, representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Finally, a seventh example of an “entity mainly dedicated to the community,” with members that cover hundreds of millions of music constituents with formal boundaries, is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions

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63 https://www.namm.org/files/showdir/ExhibitorList_WN15.xls
64 http://www.musictrades.com/global.html
65 https://www.namm.org/thenammshow
69 http://a2im.org/about-joining/
70 http://a2im.org/groups/tag/associate+members/
associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**[^71] – iTunes accounts for 63% of global digital music market[^72] - a majority – with a registered community of 800 million registered members[^73] available in 119 countries who abide to strict terms of service and boundaries[^74] and have downloaded over 25 billion songs[^75] from iTunes’ catalog of over 43 million songs[^76] covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.[^77]

- **Pandora**[^78] – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.[^79]

- **Spotify**[^80] – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.[^81]

- **Vevo**[^82] – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.[^83]

- **Youtube**[^84] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,[^85] of which 38.4% is music-related.[^86]

[^71]: http://a2im.org/groups/itunes
[^73]: http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt
[^76]: https://www.apple.com/itunes/features/
[^77]: http://a2im.org/groups/pandora
[^78]: http://a2im.org/groups/spotify
[^79]: http://a2im.org/groups/vevo/
[^80]: http://www.spotify.com/us/information/
[^81]: http://a2im.org/groups/youtube/
[^82]: http://www.vevo.com/c/EN/US/about
[^83]: http://www.vevo.com/c/EN/US/about
[^84]: https://www.youtube.com/yt/press/statistics.html
[^85]: http://www.researchandmarkets.com/reports/2092499/internet_video_2011_2014_view_share_site_and
- **Reverbnation**[^87] – Reverbnation[^88] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

- **BMG**[^89] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^90]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^91]), China (China Audio Video Association[^92]) and Germany (Initiative Musik).[^93] A2IM also has Affiliate[^94] associations within the global music community. These include Affiliates such as MusicFirst,[^95] the Copyright Alliance,[^96] the Worldwide Independent Network (WIN)[^97] and Merlin.[^98]

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.[^99] The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size

According to the .HOTEL[^100] EIU CPE Determination for Delineation (Organization):

[^87]: http://a2im.org/groups/reverb-nation/
[^88]: http://www.reverbnation.com/about
[^89]: http://a2im.org/groups/bmg-rights/
[^90]: http://www.bmg.com/category/about-us/history/
[^91]: http://a2im.org/groups/french-music-export-office
[^92]: http://a2im.org/groups/china-audio-video-association-cava
[^93]: http://a2im.org/groups/initiative-musik-gmbh
[^94]: http://a2im.org/groups/tag/associate+members/
[^95]: http://musicfirstcoalition.org/coalition
[^96]: http://www.copyrightalliance.org/members
[^97]: http://www.winformusic.org
[^98]: http://www.merlinnetwork.org
The community as defined in the application has at least one entity mainly dedicated to the community. There are, in fact, several entities that are mainly dedicated to the community, such as the International Hotel and Restaurant Association (IH&RA), Hospitality Europe (HOTREC), the American Hotel & Lodging Association (AH&LA) and China Hotel Association (CHA), among others.

According to the ECO\textsuperscript{101} EIU CPE Determination for Delineation (Organization):

The community as defined in the application has at least one entity mainly dedicated to the community. In fact, several entities are mainly dedicated to the community as defined by the application, such as the International Union for Conservation of Nature (IUCN), World Wide Fund For Nature (WWF), United Nations Environment Program and the Global Reporting Initiative, among others.

Consistent with the .HOTEL and the .ECO EIU CPE Determinations, the equivalent for the International Hotel and Restaurant Association (.HOTEL) and the International Union for Conservation of Nature (.ECO) or World Wide Fund (.ECO) with respect to “music” include the International Federation of Phonographic Industry (IFPI), the International Confederation of Music Publishers (ICMP), the International Federation of Arts Councils and Culture Agencies (IFACCA), the International Federation of Musicians (FIM), the Worldwide Independent Network (WIN), Merlin and many others. The equivalent of Hospitality Europe (.HOTEL) includes the Independent Music Companies Association (IMPALA) and many others. The equivalent of the American Hotel (.HOTEL) and Lodging Association is the American Association of Independent Music.

Accordingly, it is respectfully submitted that the Panel should determine that the community as defined in the application satisfies both of the conditions to fulfill the requirements for organization.

**Pre-existence**

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed) and must display an awareness and recognition of a community among its members.

The community as defined in the application was active prior to September 2007 as required by the AGB, section 4.2.3. According to the application:

The Community has bought, sold, and bartered music for as long (“LONGEVITY”) as it has been made (R. Burnett, International Music Industry, 1996 and P. Gronow, International History of the Recording Industry, 1998). The Community is a delineated network where production and distribution of music occur in a process relying on labor division and technology. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial (M. Talbot, Business of Music, 2002). The foundation for the structured

and strictly delineated Community only resulted from the interplay between the growing music publishing business and an emerging public music concert culture in the 18th century (“PRE-EXISTING”). Consequently, music publishers and concert promoters assumed the function of institutional gatekeepers of the Music Community who decided which music reached consumers and in what form, thus setting the parameters within which creativity was able to unfold (P. Tschmuck, Creativity & Innovation in the Music Industry, Institute of Culture Management & Culture Science, 2006). (Question 20A)

The community as defined in the application was active prior to September 2007.

Furthermore, most of the supporting organizations that fall within the application’s delineation have been active prior to 2007, including the IFPI102 (1933), FIM103 (1948), NAMM104 (1901) and others. The Panel can determine that because organizations like those referenced above are mainly dedicated to the members of the community as defined by the application, and because they and most others were active prior to 2007, the community as defined in the application fulfills the requirements for Pre-existence.

As discussed above, these organizations and their members, in addition to being active prior to 2007, demonstrate the AGB’s requirements for awareness and recognition.

Accordingly, it is respectfully submitted that the Panel should determine that the community as defined in the application fulfills the requirements for pre-existence.

1-B Extension

The Panel should determine that the community as identified in the application meets the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB, as the application fulfilled the requirements for the size and longevity of the community. The application should receive a score of 2 out of 2 points under criterion 1-B: Extension.

Size

Two conditions must be met to fulfill the requirements for size: the community must be of considerable size and must display an awareness and recognition of a community among its members.

The community as defined in the application is of considerable size.

103 http://www.fim-musicians.org/about-fim/history/
104 https://www.namm.org/library/blog/oldest-known-namm-member-photo-donated
According to the application:

The Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries (“EXTENSION”) with a Community of considerable size with millions of constituents (“SIZE”). (Question 20A)

This is consistent with the .HOTEL, .ECO and .RADIO EIU CPE Determination for Size:

.HOTEL: The community as defined in the application is of a considerable size. The community for .HOTEL as defined in the application is large in terms of the number of members. According to the applicant, “the global Hotel Community consists of more than 500,000 hotels and their associations”

.ECO: The community as defined in the application is of a considerable size. The community for .ECO as defined in the application is large in terms of the number of members. According to the applicant:

40,000+ Not-for-Profit Organizations, eg, 34,376 US environmental organizations (2011 Internal Revenue Service Exempt Organizations Business Master File, National Center for Charitable Statistics); 6,157 in the UK (March 2012, 1/3 of 18,470 Environment / Conservation / Heritage registered charities, Charity Commission); 148,000+ Businesses, eg, 68,200 US businesses committed to environmental sustainability (Pew Charitable Trust, “The Clean Energy Economy”, 2009); 80,000 small and medium enterprises in the EU use certified environmental management systems (Danish Technological Institute, “SMEs and the Environment in the European Union”, 2010); 193+ Environment-focused Governmental Bodies – eg, 193 member states (UN website, March 2012); 18 million+ Individuals, eg, International: WWF, 5M; Greenpeace, 2.8M; FOE, 2M; Ocean Conservancy, 0.5M. National: National Wildlife Federation, 4M; Sierra Club, 1.4M; National Resources Defense Council, 1.2M; The Nature Conservancy, 1M (Members, 2010).

.RADIO: The community as defined in the application is of a considerable size. The community for .RADIO as defined in the application is large in terms of the number of members. According to the application:

Currently, there are about 50,000 radio stations worldwide, according to the figure published by CIA World Facts on their website. In addition, there are at least another 50,000 web radios.

Additionally, as discussed earlier, the community defined by the application demonstrates the recognition and awareness required by the AGB.

While the exact size of the global Music Community as defined is unknown (there is no
evidence providing an exact, finite number because amateur entities are also included
in the Community’s definition), it is in the considerable millions as explicitly stated in
the DotMusic Application. DotMusic’s definition of the Community and mutually-
inclusive Registration Policies ensure that eligible members are only music-related and
associated with the string. (PIC at p.13)

Accordingly the Panel should determine that the community as defined in the application satisfies both
of the conditions to fulfil the requirements for size and awareness.

Longevity

Two conditions must be met to fulfill the requirements for longevity: the community must demonstrate
longevity and must display an awareness and recognition of a community among its members.

The community as defined in the application demonstrates longevity. According to the application:

The Community has bought, sold, and bartered music for as long (“LONGEVITY”) as it
has been made (R. Burnett, International Music Industry, 1996 and P. Gronow,
International History of the Recording Industry, 1998). The Community is a delineated
network where production and distribution of music occur in a process relying on
labor division and technology. Under such structured context music consumption
becomes possible regardless whether the transaction is commercial and non-
commercial (M. Talbot, Business of Music, 2002). The foundation for the structured
and strictly delineated Community only resulted from the interplay between the
growing music publishing business and an emerging public music concert culture in
the 18th century (“PRE-EXISTING”). Consequently, music publishers and concert
promoters assumed the function of institutional gatekeepers of the Music Community
who decided which music reached consumers and in what form, thus setting the
parameters within which creativity was able to unfold (P. Tschmuck, Creativity &
Innovation in the Music Industry, Institute of Culture Management & Culture Science,
2006). (Question 20A)

Given the size of the music community and its historical background, the Panel should determine that
the pursuits of the community are of a lasting, non-transient nature. Additionally, as discussed above,
the community defined by the application demonstrates the recognition and awareness required by the
AGB.

The Panel should determine that the community as defined in the application satisfies both of the
conditions to fulfill the requirements for longevity.
Criterion #2: Nexus between Proposed String and Community

2A – Nexus
The Panel should determine that the application meets the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The string matches the name of the community as defined in the application. The application received a score of 3 out of 3 points under criterion 2-A: Nexus.
To receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community name. To receive a partial score for Nexus (of 2 out of 3 points; 1 point is not possible), the applied-for string must identify the community. “Identify means that the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community.”

According to the application:

The .MUSIC string relates to the Community by:
- Completely representing the entire Community. It relates to all music-related constituents using an all-inclusive, multi-stakeholder model
- Directly communicating that the content is music-related and representing the Community in a positive and beneficial manner consistent with the .MUSIC Purpose and Use policy

...The Community is not subject to merely commercial/financial variables. The music Community is driven primarily by technology and the socio-cultural environment that influence music-related media cultures and consumer behavior, including the Community itself.

The socio-cultural environment drives the TLD, including the cultural diversity that provides space within the Community for many genres/participants, general socioeconomic and demographic factors and their impact on diverse local environments, and the support that the Community gives to new creators/performers. The string and Community share a particular cultural ambience: a sensitivity and preference for certain cultural expressions. The ambience is diverse and influential: music preferences of different sections of the society vary, ranging from metal to classical; Socio-economic distributions and demographic patterns.

...The Community and the .MUSIC string share a core value system of artistic expression with diverse, niche subcultures and socio-economic interactions between music creators, their value chain, distribution channel, and ultimately engaging fans as well as other music constituents subscribing to common ideals. (Question 20D)

The Panel should determine that the Community (as defined by the application, including those community organizations supporting the application) are also “commonly known by others” (AGB) both in and outside of the community by the applied-for string “MUSIC” as required by the AGB. Indeed, the word “music” is defined in the application as “the art of combining sounds rhythmically, melodically or harmonically” or “vocal or instrumental sounds (or both) combined in such a way as to produce beauty of form, harmony, and expression of emotion” (Oxford Dictionaries). This common usage of the applied-for string closely aligns with the community as defined in the application.107

107 A dictionary or encyclopedia may be used to determine how the applied-for string is used for Nexus evaluation.
Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the *nexus* between the string and Community defined. According to DotMusic, the Community *definition, eligibility* criteria and *content and use* requirements ensure that peripheral industries and entities *not related to music* are excluded so that the string and the defined Community matches and *aligns in a consistent manner* with DotMusic’s community-based purpose and connotes community cohesion i.e. only entities with music-related activities are able to register .MUSIC domains.

According to DotMusic’s application, any tangential or implicit association with the *nexus* of the Community and the string is *not* regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would *not* constitute a qualifying Community membership and would be *ineligible* for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework \(^{108}\) given the symbiotic overlapping nature of the music (industry) Community as defined and structured. Music would *not* function as it does today without the participation of all music constituent types which cumulatively *match* the string with the Community definition.

According to the AGB, “with respect to “Nexus,” for a score of 3, the essential aspect is that the applied-for string is *commonly known* by others as the identification / name of the community.” (CPE Guidelines, Pg.8)

Consistently, to address “Nexus,” an independent survey was conducted by Nielsen/Harris Poll\(^ {109}\) within the United States from August 7th through August 11th, 2015 among 2,084 adults ages 18 and older. Figures for age, sex, race/ethnicity, education, region and household income were weighted where necessary to bring them into line with their actual proportions in the population. The data was also weighted to reflect the composition of the adult population. Nielsen/Harris Poll addressed whether the applied-for string was *commonly-known* (i.e. known by *most* people\(^ {110}\)) and associated with the identification of the community defined by DotMusic by asking the question:

If you saw a website domain that ended in “.music” (e.g., www.name.music), would you associate it with musicians and/or other individuals or organizations belonging to the music community (i.e., a logical alliance of communities of individuals, organizations and business that relate to music)?\(^ {111}\)

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These may analyze present and evolving uses of a word, capturing in this case the most prevalent uses of “music”. See: [http://oxforddictionaries.com/us/definition/american_english/music](http://oxforddictionaries.com/us/definition/american_english/music)

\(^ {108}\) ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music (industry) Community and the public interest (See [https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf](https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf) Pg.7)

\(^ {109}\) [http://www.harrisinteractive.com/Products/HarrisPollQuickQuery.aspx](http://www.harrisinteractive.com/Products/HarrisPollQuickQuery.aspx)


\(^ {111}\) Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), Fielding Period: August 7-11, 2015, Pg. 1,2,3 and Appendix B
Most people, 1562 out of 2084 (3 in 4 or 75% of the respondents) responded “Yes,” which is aligned with the “Nexus” Criterion 2A requirements that the applied-for string is “commonly-known” as the identification of the community addressed by the application.

Furthermore, independent testimonies and disclosures from over 40 experts agree that the application’s defined community matches the applied-for string.

DotMusic’s community definition only includes members “related to music” i.e. there is no substantial overreach beyond the community defined. As such, the defined community matches the applied-for string because, according to the application, it “completely represent[s] the entire Community. It relates to all music-related constituents using an all-inclusive, multi-stakeholder model.” According to the application, the Community “will be verified using Community-organized, unified “criteria” taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership” without discrimination, conflict of interest or “likelihood of material detriment to the rights and legitimate interests” of the Community.”

As stated (and reiterated in its Public Interest Commitments), DotMusic’s application does not exclude or discriminate against any legitimate constituent associated with the applied-for string (Also see Venn Diagram, Appendix C). Therefore, the Panel should determine that the applied-for string is the established name by which the community is commonly known by others, and the applied-for string matches the community as defined in the application. Therefore, it is respectfully submitted that the Applicant meets the requirements for a full credit of 3 points on Nexus.

**2B – Uniqueness**

The Panel should determine that the application meets the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The application should receive a score of 1 out of 1 point under criterion 2-B: Uniqueness.

The string’s unique phonetic, visual and contextual meaning to identify the “music” Community described in the DotMusic application is also established in a significant number of other languages e.g. musiek (African), muzikë (Albanian), musiqi (Azerbaijani), musika (Basque), muzýka (Belarusian), muzika (Bosnian), музика (Bulgarian), música (Catalan), muzica (Cebuano), músik (Danish), muziek (Dutch), muziko (Esperanto), muusika (Estonian), musika (Filipino), músikki (Finnish), musique (French), música (Galician), Musik (German), μουσική (Greek), mizik (Haitian Creole), music (Indonesian), musica (Italian), music (Javanese), musica (Latin), muzīka (Latvian), muzika (Lithuanian), музика (Macedonian), muzik (Malay), μουσικά (Greek), muzik (Maltese), musikk (Norwegian), muzyka (Polish), música (Portuguese), muzică (Romanian), muzica (Russian), muzica (Serbian), mūsika (Swahili), music (Swedish), mūzik (Turkish), μουσικά (Greek) and others.

112 Nielsen / Harris Poll, Quick Query Q3505, [http://music.us/nielsen-harris-poll.pdf](http://music.us/nielsen-harris-poll.pdf), Fielding Period: August 7-11, 2015, Pg. 1,2,3 and Appendix B
113 [http://music.us/expert/letters](http://music.us/expert/letters) and Appendix A
To fulfill the requirements for Uniqueness, the string must have no other significant meaning beyond identifying the community described in the application and it must also score a 2 or a 3 on Nexus. The string as defined in the application demonstrates uniqueness, as the string does not have any other meaning beyond identifying the community described in the application. The Community Priority Evaluation panel should determine that the applied-for string satisfies the condition to fulfill the requirements for Uniqueness.

Therefore, the Panel should determine that the applied-for string satisfies the condition to fulfill the requirements for Uniqueness.

**Criterion #3: Registration Policies** (Also See Registration Process & Policies Flowchart, Appendix D)

**3-A Eligibility**

The Panel should determine that the application meets the criterion for Eligibility as specified in section
4.2.3

(Community Priority Evaluation Criteria) of the AGB, as eligibility is restricted to community members. The application should receive a maximum score of 1 point under criterion 3-A: Eligibility.

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. According to the application:

The TLD will be exclusive to the Community... .MUSIC domains will be validated to belong to Community members, who can only use the domains under Community-focused Policies. This way, Internet users will experience trusted interactions with registrants and be confident that any interaction is with legitimate Community members. (Question 18A)

...Registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership” without discrimination, conflict of interest or “likelihood of material detriment to the rights and legitimate interests” of the Community... (Question 20A)

...Music Community Member Organization (MCMO)... phase... is a limited-time period reserved for members of DotMusic-accredited music Community Member Organizations (MCMO). Unique registrations will be granted to the sole registrant and delegated at the close of the time period; multiple registration requests for the same string will go through an auction. ...General Availability... phase of registration of .MUSIC domains. .MUSIC registrations will now be available to Music Community members on a first come, first served basis. (Question 20E)

The DotMusic Eligibility policy is consistent with various EIU CPE Determinations for Eligibility:

.ECO: To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. The application demonstrates adherence to this requirement by restricting eligibility to individuals and entities (non-for-profit, businesses and governments) that are members of the global environmental community and that meet recognized standards.

.RADIO: The application demonstrates adherence to this requirement by restricting eligibility to the community categories mentioned in Delineation, and additionally requiring that the registered domain name be “accepted as legitimate; and beneficial to the cause and values of the radio industry; and commensurate with the role and importance of the registered domain name; and in good faith at the time of registration and thereafter.”
.HOTEL: The application demonstrates adherence to this requirement by restricting eligibility to the narrow category of hotels and their organizations as defined by ISO 18513, and verifying this association through membership lists, directories and registries.

.ART (Dadotart): The application demonstrates adherence to this requirement by restricting eligibility to artists and those who have an identifiable engagement with the arts.

.ART (Eflux): The application demonstrates adherence to this requirement by restricting eligibility to art-related institutions and entities, and professionals or semi-professional members of the art community.

The application therefore demonstrates adherence to the AGB’s requirement by restricting domain registration to entities who are members of the community defined by the application. The Panel should determine that the application satisfies the condition to fulfill the requirements for Eligibility.

3-B Name Selection

The Panel should determine that the application meets the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as name selection rules are consistent with the articulated community-based purpose of the applied-for TLD. The application should receive a score of 1 out of 1 point under criterion 3-B: Name Selection.

According to the application:

The Names Selection Policy ensures only music-related names are registered as domains under .MUSIC, with the following restrictions:

1) A name of (entire or portion of) the musician, band, company, organization, e.g. the registrants “doing business as” name
2) An acronym representing the registrant
3) A name that recognizes or generally describes the registrant, or
4) A name related to the mission or activities of the registrant” (Question 20E)

The DotMusic Name Selection policy is consistent with various EIU CPE Determinations for Name Selection:

.MLS: The application demonstrates adherence to this requirement by specifying that the associated boards use their corporate name or an acronym, while foreign affiliates will also have to include geographical modifiers in their second level domains.

The application demonstrates adherence to this requirement by outlining a comprehensive list of name selection rules, such as requirements that second level domain names should match or include a substantial part of the registrant’s legal name."

Also, the Name Selection Policy also covers the music Globally Protected Marks List (GPML) and does not allow registrants to register a domain containing an established music brands’ name that would be deemed confusing to Internet users and the Music Community:

Globally Protected Marks List (GPML) will ensure major music brands and established artists, such as RIAA-certified platinum-selling bands, are protected not cybersquatted. These are reserved at all times. (Question 20E)

...Applicants “cannot register a domain containing an established music brand’s name in bad faith that might be deemed confusing to Internet users and the Music Community. (Question 20E)

The DotMusic GPML Name Selection policy is consistent with the .HOTEL EIU CPE Determination for Name Selection:

[T]he registry has set aside a list of domain names that will be reserved for the major hotel industry brands and sub-brands.

Therefore, the Panel should determine that the application satisfies the conditions to fulfill the requirements for Name Selection.

3-C Content and Use

The Community Priority Evaluation panel should determine that the application meets the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the rules for content and use are consistent with the articulated community-based purpose of the applied-for TLD. The application should receive a maximum score of 1 point under criterion 3-C: Content and Use.

To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by specifying that use of the domain name must be beneficial to the cause and values of the Community:

.MUSIC will effectively differentiate itself by addressing the key online usage issues of safety, trust, consistency, brand recognition as well as communicate site subject-matter: music-related content. The TLD will be exclusive to the Community and will incorporate enhanced safeguards and Use policies to protect creators, intellectual property and rights holders.

Community members need to be able to distinguish themselves from illegal or unlicensed sites. Ensuring monies flow to rightful owners and the Music Community is critical to the .MUSIC Mission.

DotMusic will provide Premium Channels and a Song Registry where the Community and Internet users can network, share information and engage in commerce in a trusted, secure ecosystem – a safe haven for legal music consumption and song licensing ensuring monies flow to the Community not unlicensed sites.

.MUSIC domains can serve as trusted signals for search engines and used as filters for legal, licensed and safe music sites with relevant, quality content. .MUSIC domains will be validated to belong to Community members, who can only use the domains under Community-focused Policies. This way, Internet users will experience trusted interactions with registrants and be confident that any interaction is with legitimate Community members. (Question 18A)

The application also has Content and Use policies that prohibit the use of parking pages:

PARKING PAGES: DotMusic will prohibit the use of parked pages. .MUSIC sites will be subject to the content and use restrictions described in response to question 18b and question 20e. Parked sites can only be used as temporary pages assigned to a domain at the time of registration and stay in place until the registrant has a website developed and ready to go live in a reasonable time period. (Question 18C iii)

The application also restricts Content and Use to legal music-related activities:

The following use requirements apply:

- Use only for music-related activities
- Comply with applicable laws and regulations and not participate in, facilitate, or further illegal activities
- Do not post or submit content that is illegal, threatening, abusive, harassing, defamatory, libelous, deceptive, fraudulent, invasive of another’s privacy, or tortious
- Respect the intellectual property rights of others by posting or submitting only content that is owned, licensed, or otherwise have the right to post or submit
- Immediately notify us if there is a security breach, other member incompilance or
illegal activity on .MUSIC sites

- Do not register a domain containing an established music brand’s name in bad faith that might be deemed confusing to Internet users and the Music Community
- Do not use any automated process to access or use the .MUSIC sites or any process, whether automated or manual, to capture data or content from any service for any reason
- Do not use any service or any process to damage, disable, impair, or otherwise attack .MUSIC sites or the networks connected to .MUSIC sites (Question 20E)

The DotMusic Content and Use policy is consistent with various EIU CPE Determinations for Content and Use:

.HOTEL: The application demonstrates adherence to this requirement by specifying that each domain name must display hotel community-related content relevant to the domain name

.TAXI: The application demonstrates adherence to this requirement by noting four relevant rules for content and use, which include restricting content to taxi-related issues or indicating a strong connection to it, amongst other rules.

The Community Priority Evaluation panel should determine that the application satisfies the condition to fulfill the requirements for Content and Use.

3-D Enforcement

The Panel should determine that the application meets the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the AGB. The application provides specific enforcement measures and outlines coherent and appropriate appeals mechanisms. The application should receive a score of 1 point under criterion 3-D: Enforcement.

Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms.

The application commits to implement both proactive and reactive enforcement measures, such as proactive zone screening, Community crowdsourced enforcement (to “immediately notify [DotMusic] if there is a security breach, other member incompliance or illegal activity on .MUSIC sites”) and random compliance checks, with appropriate dispute processes to fix compliance issues under its .MUSIC Policy & Copyright Infringement Dispute Resolution Process (MPCIDRP), including reasonable time to appeal (i.e. via “dispute processes”) with the registry to fix compliance issues or appeal with an independent dispute resolution provider, such as the National Arbitration Forum (NAF), which already has a

customized DotMusic appeals mechanism in place.\textsuperscript{121}

According to the application:

\textbf{REGISTRY DATA VALIDATION}

DotMusic will validate elements of the received WHOIS data as a requirement for domain registration, also providing access to Premium Channels, such as the registrant’s:
- Email address through validation links
- Phone number through validated PIN-codes (Question 18B iv, Question 20E)

\textbf{COMPLIANCE & ENFORCEMENT}

DotMusic will take proactive and reactive measures to enforce its Policies. Proactive measures are taken at the time of registration. Reactive measures are addressed via compliance and enforcement mechanisms and through dispute processes. Allegation that a domain is not used for legitimate music purposes or otherwise infringes on Policies shall be enforced under the provisions of the \textit{.MUSIC Policy & Copyright Infringement Dispute Resolution Process} ("MPCIDRP"); described in question 28 response. (Question 18B iv, Question 20E)

The MPCIDRP is not a replacement for alleged violation of the UDRP/URS/PDDRP/RRDRP, which shall be enforced under the provisions contained therein. (Question 18B iv, Question 20E)

The DRP’s are required in the registrars’ registration agreements with registrants. Proceedings must be brought by interested 3rd-parties in accordance with associated policies and procedures to dispute resolution providers. (Question 18B iv)

DotMusic will conduct random compliance checks across all the .MUSIC Policies. Periodically a sample of .MUSIC registrations will be verified for compliance with all established Policies. (Question 18B iv, Question 20E)

If a registrant is found out of compliance with any of the .MUSIC Policies the registrant will be notified that the domain will be placed on registry lock. The registrant will have a reasonable time period to fix the compliance matter or the domain will be terminated. (Question 18B iv, Question 20E)

\textsuperscript{121} See DotMusic MPCIDRP at \url{http://www.adrforum.com/RegistrySpec} and \url{http://www.adrforum.com/users/odr/resources/Music_Policy_and_Copyright_Infringement_Dispute_Resolution_Process_final%20(2).docx}
The Sunrise Challenge Process solves disputes concerning domains registered under the Sunrise Policy. (Question 20E)

Repeat offenders of Policies will be placed on a special monitoring list that DotMusic will conduct additional compliance checks against. DotMusic holds the right to prohibit repeat offenders from registering .MUSIC domains for a period of time or indefinitely. (Question 18B iv)

DotMusic will review all policies and processes on a regular basis with involvement from the .MUSIC Advisory Committee and discussed publicly at Community events. (Question 18B iv, Question 20E)

DotMusic will also conduct registrar and registrant surveys based on the level of registrant satisfaction concerning .MUSIC usability and how to improve value proposition. (Question 20E)

[Registrants must] immediately notify [DotMusic] if there is a security breach, other member incompliance or illegal activity on .MUSIC sites. (Question 20E)

DotMusic will implement multiple dispute resolution policies to address dispute over any names not reserved by the above provisions; see response to question #20e and #28 and #29...DotMusic will ensure appropriate procedures to allow governments, public authorities or IGO’s to challenge abuses of names with national or geographic significance at the second level. DotMusic will institute a provision in the registry-registrar agreements and the registrar-registrant agreements, to suspend domains names in the event of a dispute. DotMusic may exercise that right in the case of a dispute over a geographic name. (Question 22)

DotMusic and Afilias may also engage in proactive screening of its zone for malicious use of the domains in the TLD, and report problems to the sponsoring registrars. (Question 28)

The DotMusic Enforcement policy is consistent with various EIU CPE Determinations for Enforcement:

.AR (Dadotart): The applicant outlines a comprehensive list of investigation procedures and circumstances in which the registry is entitled to suspend domain names. The application also outlines an appeals process, which will be managed by the registry service provider.

.ECO: The applicant’s registry will evaluate complaints against a registrant agreement and decide on an appropriate course of action, which may result in the case being
referred to a dispute resolution process. There is also an appeals mechanism, whereby a registrant has the right to seek the opinion of an independent arbiter approved by the registry.

.HOTEL: The applicant’s registry will establish a process for questions and challenges that could arise from registrations and will conduct random checks on registered domains. There is also an appeals mechanism, whereby a registrant has the right to request a review of a decision to revoke its right to hold a domain name.

.RADIO: The enforcement program is based on random checks, and if the content or use of an existing domain name shows bad faith, it will be suspended. There is also an appeals mechanism, which is managed in the first instance by the registry, with appeals heard by an independent, alternative dispute resolution provider.

.SPA: At which time, anyone can utilize the Sunrise Challenge Process to challenge the eligibility of a Sunrise application. The Sunrise Challenge Process is itself an appeal mechanism.

Consistent with other EIU CPE Determinations for Enforcement, the application outlines policies that include specific enforcement measures constituting a coherent set. The Panel should determine that the application satisfies both of the two conditions to fulfill the requirements for Enforcement and therefore scores 1 point.

Criterion #4: Community Endorsement
Support for or opposition to a CPE gTLD application may come by way of an application comment on ICANN’s website, attachment to the application, or by correspondence with ICANN.

4-A Support

The Community Priority Evaluation panel should determine that the application fully meets the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the applicant had documented support from the recognized community institution(s)/member organization(s). The application should receive a maximum score of 2 points under criterion 4-A: Support.

To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. “Recognized” means those institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. “Relevance” refers to the communities explicitly and implicitly addressed.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support also represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

The Community Priority Evaluation panel should determine that the applicant was not the recognized community institution(s)/member organization(s). However, the applicant possesses documented support from institutions/organizations representing a majority of the community addressed, and this documentation contained a description of the process and rationale used in arriving at the expression of support. The applicant received support from a broad range of recognized community institutions/member organizations, which represented different segments of the community as defined by the applicant. These entities represent a majority of the overall community. The Community Priority Evaluation Panel should determine that the applicant fully satisfies the requirements for Support.

123 http://music.us/supporters
4-B Opposition

The Community Priority Evaluation panel should determine that the application meets the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application received no relevant opposition.

According to ICANN’s CPE Guidelines:

To be taken into account as relevant opposition, such objections or comments must be of a reasoned nature. Sources of opposition that are clearly spurious, unsubstantiated, made for a purpose incompatible with competition objectives, or filed for the purpose of obstruction will not be considered relevant.\(^{124}\)

The AGB and CPE Guidelines provide in pertinent part that:

The evaluation process will respect the principles of fairness, transparency, avoiding potential conflicts of interest, and non-discrimination...\(^{125}\)

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. A few letters were filed for the purpose of obstruction and therefore are not considered relevant.\(^{126}\) The application also received letters of opposition, which should be deemed not to be relevant, as they were either from groups of negligible size, or were from entities/communities that do not have an association with the applied for string. As these letters are neither from the recognized community institutions/member organizations, nor were they from communities/entities that have an association with the community they should not be considered relevant.

DotMusic was also alerted of upcoming obstruction orchestrated by competitors, including Donuts as a reaction to the prevailing .SPA determination. Donuts distributed a template opposition letter with instructions to obstruct DotMusic’s application revealing that “if a panel decides that this applicant [DotMusic] represents the “music community”, [Donuts] application...will be automatically rejected." In its obstruction letter instructions, Donuts also revealed that ".SPA was granted community priority which might have been avoided had letters of opposition been submitted." DotMusic filed a pre-emptive public comment on August 3\(^{rd}\), 2015 alerting ICANN and the EIU of the upcoming obstruction and spurious anti-competitive pattern by applicants such as Donuts.\(^{127}\) The first obstruction public

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\(^{125}\) CPE Guidelines, Pg. 22

\(^{126}\) The correspondence for .MUSIC includes several letters from DotMusic (See [https://icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-12aug15-en.pdf](https://icann.org/en/system/files/correspondence/schaeffer-to-crocker-et-al-12aug15-en.pdf)) and letters from entities related to an opposition letter. These entities not only withdrew opposition but supported DotMusic. Furthermore, some are currently on DotMusic’s Board ([http://music.us/board](http://music.us/board)). The letter’s sender also was included in correspondence which disclosed that their organization and many others were “encouraged” by DotMusic’s policies.

\(^{127}\) See [https://gtldcomment.icann.org/applicationcomment/commentdetails/12754](https://gtldcomment.icann.org/applicationcomment/commentdetails/12754) and [https://gtldcomment.icann.org/applicationcomment/commentdetails/12738](https://gtldcomment.icann.org/applicationcomment/commentdetails/12738) (August 3, 2015)
comment using Donuts’ obstruction talking point template was filed on August 11th, 2015. Other identical letters followed that were filed either as Public Comments or as ICANN Correspondence Letters.

An example to showcase the spurious nature of the template letters is the discrepancy and inconsistency illustrated in a letter, which described its organization as one that was “comprised of musicians...and individuals in the music community.” Despite acknowledging the existence of the “music community” in its company description, the letter later takes a different position to doubt the existence of the “music community” by incorporating Donuts’ talking points which refer to a “music community,” if such a thing even exists.”

In another Donuts coordinated effort, another spurious letter by Donuts’ ally, IP Justice, was also attached in Donuts obstruction letter. This letter was first made public by Donuts before IP Justice or ICANN posted it online. IP Justice opposed DotMusic’s application on the grounds that it had “concerns...with the “community” TLD concept” and “as a free speech organization, IP Justice agrees that a term as broad and widely touching as “music” does not, and cannot, describe an exclusive “community,” and believes that any attempt to utilize the term in such a fashion stifles competition and chills free expression on the Internet.”

Just like ICANN states in its response in Independent Review Process (IRP) proceedings filed by Donuts against the EIU Determinations for .ECO and .HOTEL, similarly IP Justice’s arguments and opposition of the CPE Guidelines and DotMusic’s community-based Eligibility policies (which require that Eligibility is restricted to community members) are time-barred and are not aligned with the GNSO’s recommendations that clearly state that those applications “representing communities be awarded priority in string contention:”

Claimants’ argument is time-barred. (Pg.15)... As detailed in the Board’s Rationales for the Approval of the Launch of the New gTLD Program, issued in June 2011, the application evaluation procedures, including the CPE procedure (and the decision to grant successful community-based applications priority in cases of string contention), were adopted by the ICANN Board after years of extensive policy development and implementation that included extensive review and analysis by ICANN, as well as input and comment from legal counsel, numerous ICANN communities, Internet stakeholders, and community members from around the world, all in compliance with ICANN’s Articles and Bylaws (ICANN Board Rationales at 93-105 (Cls. Ex. RM-11). (Pg.16 and 17). Despite having ample opportunity to do so, Claimants did not challenge the CPE process at the time the Guidebook was implemented. If Claimants, or anyone else for that matter, had concerns related to these issues, they were properly pursued at the time, and not years later. (Pg.18)

128 https://gtldcomment.icann.org/applicationcomment/commentdetails/12780
129 https://gtldcomment.icann.org/applicationcomment/viewcomments
130 https://www.icann.org/resources/pages/correspondence-2012-09-24-en
When an applicant submits a community-based application, it is not, as the Claimants imply, simply seeking to “exploit the application process” (IRP Request ¶ 47). As set forth in the Guidebook, community-based applicants agree to operate the applied-for gTLD “for the benefit of a clearly delineated community” (Guidebook § 1.2.3.1, Cls. Ex. RM-5). This involves implementing “dedicated registration and use policies for registrants in [the applied-for gTLD],” (Guidebook § 1.2.3.1, Cls. Ex. RM-5) policies that substantially restrict the sorts of domain name registrations a gTLD may accept and thereby might significantly limit the potential profitability of a gTLD. (Pg.6)...The recommendation of the GNSO that applications representing communities be awarded priority in string contention (ICANN Board Rationales for the Approval of the Launch of the New gTLD Program at 94 (“ICANN Board Rationales”) (Cls. Ex. RM-11)). (Pg.10)

Inconsistently, IP Justice did not oppose any other Community applicants’ applications. For example, IP Justice did not file opposition against Far Further’s (.music LLC) community application for .MUSIC even though Far Further included eligibility policies that excluded a majority of the global music community (a discriminatory policy that DotMusic publicly opposed and EIU concluded excluded a majority of the music community in their EIU Determination). If IP Justice had any sincere concerns about competition then it would have opposed Far Further (and other community applicants) as well but chose to target DotMusic Limited’s application instead despite DotMusic’s Public Interest Commitments which re-iterate and re-affirm:

A commitment to not discriminate against any legitimate members of the global music community by adhering to the DotMusic Eligibility policy of non-discrimination that restricts eligibility to Music Community members -- as explicitly stated in DotMusic’s Application -- that have an active, non-tangential relationship with the applied-for string and also have the requisite awareness of the music community they identify with as part of the registration process. This public interest commitment ensures the inclusion of the entire global music community that the string .MUSIC connotes; (Enumerated Commitment #3)

A commitment that the string will be launched under a multi-stakeholder governance structure of representation that includes all music constituents represented by the string, irrespective of type, size or locale, including commercial, non-commercial and amateur constituents, as explicitly stated in DotMusic’s Application. (Enumerated Commitment #5)

In another Donuts coordinated effort, another spurious letter was filed by Rightside, Donuts co-applicant for .MUSIC, disingenuously stating that “it is preposterous...to claim that there exists a “music community,”” which is defined by DotMusic as a “delineated and organized logical alliance of music communities.” Such statements are inconsistent with public marketing material for promoting the

135 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
136 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/1392?ac=1392
.BAND music-themed gTLD, which is operated by Donuts and Rightside. Marketing material clearly mentions promotions to “music communities” (Pg.2). Another .BAND Marketing Kit also refers to the “music sector,” organizing it according to delineated music community types, such as record companies, publishing, and “other music-related sectors” (Pg.6). The Kit also refers to and recognizes many music communities and organizations that have supported DotMusic e.g. BMI, ASCAP, Reverbnation, A2IM, BPI, NMPA, IFPI, Harry Fox, NARAS, PRS, RIAA, SESAC and many others (Pg. 1, 2, 3, 9, 10). The Kit also quotes the IFPI a few times as an authoritative source for their research (which further highlights the IFPI’s status as an organization mainly dedicated to the Music Community), while also recognizing the existence of an organized “music industry”...“a massive engine worth more than US$130 billion globally”(Pg.3). Such revealing statements highlight that any opposition letters that doubt or shun the existence of the community are spurious and filed for the purpose of obstruction.

Accordingly, the Community Priority Evaluation panel should determine that there is no relevant opposition to the application. The Community Priority Evaluation Panel should determine that the applicant satisfies the requirements for Opposition.

**Conclusion**

For the aforementioned reasons, it is respectfully submitted that the Applicant satisfies all criteria to establish Community and should prevail with a passing grade in CPE.

Transparency and accountability mechanisms, including the quality control requirement of compelling and defensible documentation, forms an integral part of ICANN’s decision-making standards. The AGB and CPE Guidelines provide in pertinent part that:

> The evaluation process will respect the principles of fairness, transparency, avoiding potential conflicts of interest, and non-discrimination...

> Consistency of approach in scoring Applications will be of particular importance...

> The EIU will work closely with ICANN when questions arise and when additional information may be required to evaluate an application...

> The EIU will fully cooperate with ICANN’s quality control process...

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139 [http://branding.rightside.co/api/download/28qj-3k4nlku8](http://branding.rightside.co/api/download/28qj-3k4nlku8)

140 CPE Guidelines, Pg. 22

141 CPE Guidelines, Pg. 22

142 CPE Guidelines, Pg. 22 and Pg.23

143 CPE Guidelines, Pg. 22 and Pg.23
The panel must be able to exercise consistent and somewhat subjective judgment in making its evaluations in order to reach conclusions that are compelling and defensible...\(^{144}\)

The panel must be able to document the way in which it has done so in each case.\(^{145}\)

All EIU evaluators undergo regular training to ensure full understanding of all CPE requirements as listed in the Applicant Guidebook, as well as to ensure consistent judgment (CPE Panel Process Document, Pg.2)...\(^{146}\)

The Panel Firm exercises consistent judgment in making its evaluations in order to reach conclusions that are compelling and defensible, and documents the way in which it has done so in each case (CPE Guidelines, Pg.22 and CPE Panel Process Document, Pg. 3).\(^{146}\)

In the case of opposition letters, community applicants must be given the opportunity to provide context and a challenge to any opposition letter if deemed relevant so that the EIU have a complete understanding of the subject-matter and adequately take into consideration both perspectives (just like any fair and equitable proceeding) before reliably determining that the panel has incorporated a “consistent and somewhat subjective judgment in making its evaluations in order to reach conclusions that are compelling and defensible.” The EIU “panel must be able to document the way in which it has done so in each case.”\(^{147}\)

DotMusic’s CPE must be evaluated using the same consistent criteria and precedents that were established in prior EIU determinations to ensure “consistency of approach across all applications:”

“All Applications will subsequently be reviewed by members of the core project team to verify accuracy and compliance with the AGB, and to ensure consistency of approach across all applications.”\(^{148}\) (emphasis added)

In the prevailing CPE Determinations for .RADIO, .SPA and .HOTEL, the EIU consistently referred to the community as the “(industry) community.” as an acceptable threshold to its “Community Establishment”, “Nexus” and “Support” criteria:

According to the .RADIO prevailing CPE determination:

In addition, the community as defined in the application has awareness and recognition among its members. This is because the community as defined consists of

\(^{144}\) CPE Guidelines, Pg. 22
\(^{145}\) CPE Guidelines, Pg. 22
\(^{147}\) ICANN CPE Guidelines, Pg. 22
\(^{148}\) CPE Guidelines, Pg. 22
entities and individuals that are in the radio industry, and as participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community. In addition, membership in the (industry) community is sufficiently structured, as the requirements listed in the community definition above show.\textsuperscript{149}

According to the .SPA prevailing CPE determination:

The community as defined in the application has awareness and recognition among its members. This is because the community as defined consists of entities that are in the spa industry, and as participants in this clearly defined industry, they have an awareness and recognition of their inclusion in the industry community. In addition, membership in the (industry) community is sufficiently structured, as the requirements listed in the community definition above show. Members of all three of these membership categories recognize themselves as part of the spa community as evidenced, for example, by their inclusion in industry organizations and participation in their events.\textsuperscript{150}

According to the .HOTEL prevailing CPE determination:

This community definition shows a clear and straightforward membership. The community is clearly defined because membership requires entities/associations to fulfill the ISO criterion for what constitutes a hotel. Furthermore, association with the hotel sector can be verified through membership lists, directories and registers. In addition, the community as defined in the application has awareness and recognition among its members. This is because the community is defined in terms of its association with the hotel industry.\textsuperscript{151}

Following the rationale in the aforementioned EIU Determinations, DotMusic’s community-based application would overwhelmingly exceed the minimum “(industry) community” threshold for the applied for string because its application is supported by organizations with members that represent over 95\% of global music consumed. In fact, DotMusic’s application has amassed the largest coalition of music-related organizations to support a music cause. Just like in the CPE application cases of .RADIO, .HOTEL and .SPA, DotMusic is supported by a global ”(industry) community,” with members that have the requisite awareness and recognition of the community defined.

Furthermore, in the .ECO prevailing CPE Determination it was found that “involvement in…activities” and the “interdependence and active commitment to shared goals” are “indicative of the “cohesion”

\textsuperscript{149} https://www.icann.org/sites/default/files/tlds/radio/radio-cpe-1-1083-39123-en.pdf, Pg.2
\textsuperscript{150} https://www.icann.org/sites/default/files/tlds/spa/spa-cpe-1-1309-81322-en.pdf, Pg.2
\textsuperscript{151} https://www.icann.org/sites/default/files/tlds/hotel/hotel-cpe-1-1032-95136-en.pdf, Pg.2
that the AGB requires in a CPE-eligible community.” The .ECO prevailing CPE determination provides in pertinent part that:

...Each individual or entity has a clear, public and demonstrable involvement in environmental activities. The interdependence and active commitment to shared goals among the various membership types are indicative of the “cohesion” that the AGB requires in a CPE-eligible community. The Panel found that entities included in the membership categories defined in the application are shown to cohere in their work towards clearly defined projects and goals that overlap among a wide array of member organizations...Furthermore, businesses that are included in the applicant’s defined community have voluntarily opted to subject themselves to evaluation of their compliance with environmental standards that qualify them for the accreditations referenced in the application. As such, the defined community’s membership is found to meet the AGB’s standard for cohesion, required for an adequately delineated community.152

It follows that DotMusic’s community-based application should exceed the minimum threshold for “Community Establishment” because the DotMusic application and purpose follows unified goals which the represented global “Music Community” which “encompasses global reaching commercial and non-commercial stakeholders, and amateur stakeholders” addressed subscribe to, such as:

- Creating a trusted, safe online haven for music consumption
- Establishing a safe home on the Internet for Music Community members regardless of locale or size
- Protecting intellectual property and fighting piracy
- Supporting musicians’ welfare, rights & fair compensation
- Promoting music and the arts, cultural diversity and music education
- Following a multi-stakeholder approach of fair representation of all types of global music constituents, including a rotating regional advisory board working in the best interests of the Music Community

(Mission and Purpose, Q.18 and Q.20)

DotMusic developed its Mission and Registration Policies using feedback and universal principles collected in its ongoing, extensive public global communication outreach campaign launched in 2008, which gave the Community open opportunities to engage (e.g. via events, meetings, social media, ICANN’s 2012 public comment period or other correspondence). DotMusic has participated in hundreds of international music/domain events (http://music.us/events) and still continues to engage Community members. (See Question 18 and Question 20).

Furthermore, in comparison, DotMusic’s community-application has more music-tailored policies and enhanced safeguards aligned with DotMusic’s community-based purpose to serve the interests of the global music community than all .MUSIC applicants combined. (See .MUSIC Applicant Comparison Chart, Appendix E)

Therefore, it is respectfully submitted that, consistent with other CPE Determinations, DotMusic satisfies all criteria to establish Community and should prevail with a passing grade in CPE.
References

Review the DotMusic Limited application for .MUSIC with ID 1-1115-14110:  
https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392


DotMusic website: http://music.us

ANNEX K
Forty-Three (43) Expert Testimonies

Below are testimonies from 43 experts, including 33 Ph.Ds that provide compelling evidence and “conclusions that are compelling and defensible” \(^1\) that conclude beyond reasonable doubt, that DotMusic’s community-based application for .MUSIC exceeds all the CPE criteria and should prevail CPE:

1) Music Expert Letter Dr Arigo Vatakis.pdf
2) Music Expert Letter Dr Askin Noah.pdf
3) Music Expert Letter Dr Brian E Corner.pdf
4) Music Expert Letter Dr Chauntelle Tibbals.pdf
6) Music Expert Letter Dr David Michael Ramirez II.pdf
7) Music Expert Letter Dr Deborah L Vietze.pdf
8) Music Expert Letter Dr Dimitrios Vatakis.pdf
9) Music Expert Letter Dr Dimitris Constantinoou.pdf
12) Music Expert Letter Dr Jerenny Silver.pdf
14) Music Expert Letter Dr John Snyder.pdf
15) Music Expert Letter Dr Jordi Bonada Sanjaume.pdf
16) Music Expert Letter Dr Jordi Janer.pdf
17) Music Expert Letter Dr Juan Diego Diaz.pdf
18) Music Expert Letter Dr Juliane Jones.pdf
19) Music Expert Letter Dr Kathryn Fitzgerald.pdf
20) Music Expert Letter Dr Lisa Overholser.pdf
22) Music Expert Letter Dr Manthos Kazantzides.pdf
23) Music Expert Letter Dr Michael Mauskapf.pdf
24) Music Expert Letter Dr Mike Alleyne.pdf
26) Music Expert Letter Dr Paul McMahon.pdf
27) Music Expert Letter Dr Rachel Resop.pdf
28) Music Expert Letter Dr Shain Shapiro.pdf
29) Music Expert Letter Dr Sharon Chanley.pdf
30) Music Expert Letter Dr Tom ter Bogt.pdf
31) Music Expert Letter Dr Vassilis Varvaresos.pdf
33) Music Expert Letter Dr Wilfred Dolfmsa.pdf
34) Music Expert Letter JD Matthew Covey Esq.pdf
35) Music Expert Letter Jonathan Segal MM.pdf
37) Music Expert Letter Lecturer David Lowery.pdf
38) Music Expert Letter Lecturer Dean Pierides.pdf
39) Music Expert Letter Professor Andrew Dubber.pdf

Expert Letter Link: http://music.us/expert/letters
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (ii) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (iii) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.2

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support3 from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

2 http://music.us/supporters
3 http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application Answer to Question 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector. “Music” is a regulated sector comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

DotMusic’s application follows unified principles that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination (See Application Answers to 18).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1) There is an awareness and recognition among its members;

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4 See [http://music.us/establishment](http://music.us/establishment)
(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

According to Wikipedia:\(^8\)

*Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.*\(^9\)

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ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other

10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International Copyright Basics html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”.

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal

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20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See http://www.oxforddictionaries.com/definition/english/mainly and http://www.merriam-webster.com/dictionary/mainly respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392).
role with respect to music.\textsuperscript{21} IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\textsuperscript{22} The UNESCO strategic partnership\textsuperscript{23} is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\textsuperscript{24}

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.\textsuperscript{25}

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\textsuperscript{26} Other small government Ministries of Culture, such as Albania,\textsuperscript{27} or government

\begin{itemize}
\item \textsuperscript{21} \url{http://www.ifacca.org/membership/current_members/}
\item \textsuperscript{22} \url{http://www.ifacca.org/strategic_partners/}
\item \textsuperscript{23} \url{http://www.ifacca.org/strategic_partners/}
\item \textsuperscript{24} \url{http://www.imc-cim.org/about-imc-separator/who-we-are.html}
\item \textsuperscript{25} U.S Copyright Office, \url{http://www.copyright.gov/carp/m200a.html}
\item \textsuperscript{26} 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” \url{http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf}, Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6),
\end{itemize}
Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

27 http://www.culturalpolicies.net/down/albania_012011.pdf
33 http://www.pch.gc.ca/eng/1294862453819/1294862453821
The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception\(^{35}\) and has a strong focus on music as outlined in its Strategic Plan\(^{36}\) with Congress requested to provide $154,465,000 for fiscal year 2014.\(^{37}\)

The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”\(^{38}\)

The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.\(^{39}\)

In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.\(^{40}\)

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide”\(^{41}\) whose members\(^{42}\) – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member,\(^{43}\) represents “approximately 85% of all legitimate recorded music produced and sold in the United States,”\(^{44}\) the world’s largest music market with 30% global market share.\(^{45}\)

Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”
Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\(^{46}\)

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**\(^{48}\) – iTunes accounts for 63% of global digital music market\(^{49}\) - a majority – with a registered community of 800 million registered members\(^{50}\) available in 119 countries who abide to strict terms of service and boundaries\(^{51}\) and have downloaded over 25 billion songs\(^{52}\) from iTunes’ catalog of over 43 million songs\(^{53}\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^{54}\)

- **Pandora**\(^{55}\) – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.\(^{56}\)

- **Spotify**\(^{57}\) – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.\(^{58}\)

- **Vevo**\(^{59}\) – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.\(^{60}\)
• **Youtube**[^1] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube[^2], of which 38.4% is music-related[^3].

• **ReverbNation**[^4] – ReverbNation[^5] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The ReverbNation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**[^6] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally[^7].

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^8]), China (China Audio Video Association[^9]) and Germany (Initiative Musik)^[10]. A2IM also has Affiliate[^11] associations within the global music community. These include Affiliates such as MusicFirst[^12], the Copyright Alliance[^13], the Worldwide Independent Network (WIN)^[14], and Merlin[^15].

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community[^16]. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

[^1]: http://www.vevo.com/c/EN/US/about
[^2]: http://a2im.org/groups/youtube/
[^5]: http://a2im.org/groups/reverb-nation/
[^6]: http://www.reverbnation.com/about
[^7]: http://a2im.org/groups/bmg-rights/
[^8]: http://www.bmg.com/category/about-us/history/
[^9]: http://a2im.org/groups/french-music-export-office
[^10]: http://a2im.org/groups/china-audio-video-association-cava
[^11]: http://a2im.org/groups/initiative-musik-gmbh
[^12]: http://a2im.org/groups/tag/associate+members/
[^13]: http://musicfirstcoalition.org/coalition, The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
[^14]: http://www.copyrightalliance.org/members
[^15]: http://www.winformusic.org
[^16]: http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s
Global Independent Music Community Coalition, covers a majority of the global music
community. Its cumulative membership is in the hundreds of millions of entities with formal
boundaries belonging to strictly organized and delineated communities related to music as per the
Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and
international trade associations” also expressed its support for .MUSIC to be under a
“community” application model, including encouraging statements in support of DotMusic’s
policies that stated that the coalition “was encouraged to see” that DotMusic “included several
measures to deter and address copyright infringement within that TLD.” The “coalition members
represent the people that write, sing, record, manufacture, distribute and/or license over 80% of
the world’s music” — a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and
on behalf of a music publisher and songwriter community coalition representing a majority of the
global music publishing community, also expressed “support for the .MUSIC community
applications because respecting and protecting music rights serves the global music community
and the public interest.”

The International Music Products Association, NAMM, is another globally-recognized and
relevant group of non-negligible size that has supported DotMusic. NAMM, formed in 1901,
mainly dedicated to the global music community by representing the international music
products industry and community, with globally-recognized members and exhibitors that include
Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica,
AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanex, AVID, Casio, DW, Sabian,
Pearl, Zildjian, Martin, Ludwig, Marshall and others. Every amateur and professional
musician worldwide uses music products manufactured and distributed by NAMM’s members.
Without these musical instruments and products, music as we know it today would not be created
or produced. NAMM and its trade shows power the $17 billion global music products industry
serving as a hub for the global music community wanting to seek out the newest innovations in
musical products, recording technology, sound and lighting. NAMM’s mission is “to strengthen

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81 https://www.namm.org/files/showdir/ExhibitorList WN15.xls
82 http://www.musictrades.com/global.html
the music products industry and promote the pleasures and benefits of making music." NAMM also hosts the NAMM Show, the world's largest event for the music products industry.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community. Community members may register a .MUSIC by either:

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83 [https://www.namm.org/about](https://www.namm.org/about)
85 [http://music.us/supporters](http://music.us/supporters)
86 See [http://music.us/nexus](http://music.us/nexus)
1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

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87 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

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Doctor of Philosophy (D. Phil.) in Experimental Psychology
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California State University Long Beach, USA, 2002-03
1st year completed, Masters (M.A.) Degree in Research Psychology
Honors in *Perception (PSY631)* and *Learning (PSY632)*

California State University Long Beach, USA, 1995-2000
Bachelors (B.A.) in Psychology

**Awards & Prizes:**
- Institute for Advanced Study Fellowship, Theme “Time”, Durham University, UK, 2012-2013
- Post-doctoral scholarship, “Maria P. Laimou” Foundation, Greece, 2009-10
- Graduate Senior Scholarship, Lincoln College, University of Oxford, 2007
- Brain Travel Grant, Brain, 2007
- Graduate Research Fund Award, Lincoln College, University of Oxford, 2007
- Onassis Foundation Science Lecture Series (‘Brain plasticity: From molecules to behavior’) Award, 2006
- Graduate Symposium Award, International Multisensory Research Forum (IMRF), 2006
- Neuroscience Training (NEUROTRAIN) in Europe Grant, European Commission, Research Directorate General, Marie Curie Conferences & Training Courses, Contract No. MSCF-CT-2005-029703, 2006
- Graduate Senior Scholarship, Lincoln College, University of Oxford, 2006
- European Commission Improving Human Potential Programme Fellowship, NeuralComp, 2006
- Graduate Research Fund Award, Lincoln College, University of Oxford, 2006
- Newton Abraham Studentship, Medical Sciences, University of Oxford, 2005-07
- William R. Miller Postgraduate Award, St. Edmund Hall College, University of Oxford, 2005-06
- St. Hugh’s Graduate Award, St. Hugh’s College, University of Oxford, 2005-07
- Grindley Grant, British Experimental Psychology Society, 2005
- Travel Award, St. Edmund Hall College, University of Oxford, 2005
- Brockhues Graduate Award, University of Oxford, 2004
- Sally Casanova California State University Pre-Doctoral Scholar Award, 2003-04
- Student Academic Travel Award, CSU Long Beach, 2003
• Psychology Department Travel Award, CSU Long Beach, 2003
• Dean’s List, CSU Long Beach, 1998-99
• Student Access to Science Summer Scholarship, CSU Long Beach, 1996
• High School Honors, 4th Gymnasium of Chios, 1989-1991

**Research/Work Experience:**

*Timing & Time Perception: Reviews, Brill Publishing House & University of Groningen, NL, 2014-2017*

**Position:** Editor-in-Chief

Editor of this new and unique journal that aims to bring together all reviews on timing and time perception from different disciplines and perspectives.

*Timing & Time Perception, Brill Publishing House, NL, 2013-2017*

**Position:** Editor-in-Chief

Proposer and Editor of this new and unique journal that aims to bring together all research on timing and time perception from different disciplines and perspectives.

*University of Athens, Department of Philosophy and History of Science, Greece, 2012-2015*

**Funded by:** Cognitive Mechanisms in the Perception, Representation, and Organization of Knowledge (COGMEK), THALIS National Research Funding

**PIs:** Dr. Konstantinos Moutousis & Prof. Stella Vosniadou

**Position:** Researcher

As a researcher in COGMEK under the Group: Spatial and Temporal Perception: General characteristics and the role of higher-level cognitive processes, I will investigate whether or not learning and priming modulates synchrony perception and how this modulation can enhance or inhibit the peak and decline of the time-course of time perception through development. I will also co-supervise two doctoral students.

*Cognitive Systems Research Institute (CSRI), Athens, Greece, 2011-present*

**Funded by:** Time In MEntaL activitY: theoretical, behavioral, bioimaging and clinical perspectives (TIMELY), ISCH Action TD0904, 2010-2013. COST-ESF Networking grant (http://www.timely-cost.eu) & POETICON ++, FP7-ICT-Cognitive Systems, Interaction, Robotics

**Director:** Katerina Pastra, Ph.D.

**Position:** Coordinator/Researcher

TIMELY is a networking project between scientists working on time and time perception for the exchange of expertise and establishment of new collaborations. TIMELY seeks to explore fundamental questions on TP by bringing together, for the first time, senior and junior scientists from different disciplines and perspectives. Specifically, TIMELY will focus on four main themes:

- Conceptual analysis and measurement of time
- Exploring Cognitive, Linguistic, and Developmental factors associated with TP variability
- Extending time research to ecologically-valid stimuli
POETICON++ will be a continuation of the work done in POETICON on for discovering the “languages” of sensorimotor representations and the correspondences with natural language.

Institute for Language and Speech Processing (ILSP), Research Centers “Athena”, Athens, Greece, 2008-2011
Department Head: S. Piperidis
Position: Post-doctoral Researcher

The POETICON project follows an empirical approach for discovering the “languages” of sensorimotor representations and the correspondences with natural language. Guided by cognitive experiments, it employs cutting-edge equipment and established cognitive protocols for collecting face and body movement measurements, visual object information and associated linguistic descriptions from interacting human subjects, with the objective to create an extensible computational resource which associates symbolic representations with corresponding sensorimotor representations.

Hellenic Institute of Transport (HIT), Center for Research and Technology Hellas (CERTH), Athens, Greece, 2007-08
Funded by: Center for Research and Technology Hellas (CERTH)
Department Head: Aggelos Bekiaris, Ph.D.
Position: Post-doctoral Researcher

Focusing on the study of the relationship of the driver with the vehicle and methods to increase safety while driving. Tasks included working with a driving simulator or real driving experiments. Involved in the European Union funded programs of:

- HUMABIO (Human monitoring and authentication using biodynamic indicators and behavioural analysis)
- ACTIBIO (Unobtrusive authentication using activity related and soft biometrics)
- TRAIN ALL (Integrated system for driver training and assessment using interactive education tools and new training curricula for all modes of road transport)
- DRUID (Driving under the influence of drugs, alcohol and medicines)
- SENSATION (Advanced sensor development for attention, stress, vigilance and sleep/wakefulness monitoring),
- ASK IT (Ambient intelligence system of agents for knowledge based and integrated services for mobility impaired users)
- IN SAFETY (Infrastructure and safety).

Crossmodal Research Laboratory, Department of Experimental Psychology, University of Oxford, UK, 2004-07
Funded by: Newton Abraham Studentship, Medical Sciences.
Lab Supervisor: Prof. Charles Spence, Ph.D.
Position: Doctoral Student
Focusing on the study of audiovisual temporal perception for complex stimuli using psychophysical and neuroimaging techniques.

*Department of Neurology II and Center for Advanced Imaging Medicine, University of Magdeburg, Germany, 2006*
*Funded by: Visiting Scientist DFG Grant*
*Lab Supervisor: Toemme Noesselt, Ph.D.*
*Position: Visiting Scientist*

Focusing on the study of auditory, visual, and tactile synchrony perception using psychophysical and fMRI techniques.

*Max Planck Research Institute for Biological Cybernetics, Dr. Logothetis Department, Germany, 2004-05*
*Funded by: Max Planck Society*
*Lab Supervisor: Zoe Kourtzi, Ph.D.*
*Position: Research Scientist*

Focusing on the study of visual perception using Glass Patterns using fMRI and psychophysical methods.

*Behavioral Neuroscience Laboratory, Department of Psychology, CSU Long Beach, USA, 2003-04*
*Lab Supervisor: Diane W. Lee, Ph.D.*
*Position: Research Assistant*

Focusing on understanding the processes underlying learning and memory formation, investigating the role of hippocampus in learning, and injury-induced hippocampal neurogenesis.

*Boeing Corporation, Phantom Works, Long Beach, USA, 2003-04*
*Funded by: Boeing Corporation*
*Lab Supervisor: Jack Dwyer, Ph.D.*
*Position: Research Assistant*

Focusing on the development of effective radar systems that function based on the principles of the mechanisms governing the human eye.

*Psychoacoustics Laboratory, Dep. of Psychology, CSU Long Beach, USA, 2002-05*
*Lab Supervisor: Thomas Z. Strybel, Ph.D.*
*Position: Research Assistant*

Investigation of unimodal and crossmodal (auditory and visual) perception of apparent motion.

**Event Organization/Co-organization:**

**Conferences:**

**Workshops:**
- Workshop on Temporal Prediction, October 18th, 2013, Granada, Spain.
- Workshop on Applying the senses in the classroom, November 20th, 2011, Athens, Greece.
- ECOLIFE Festival, Agora, OAKA Olympic Sports Complex, Athens, Greece, June 2006. The Unique Fair on Environmental Friendly Products & Services, 3-day “Food for thought” Multisensory sensory experience exhibition. Funded by: British Council in Greece

**Satellite Meetings:**

**Symposiums:**
- 3-Day International Symposium on the Time and the Conscious Brain, October 31st-November 2nd, 2011, HWK, Delmenhorst, Germany.
- Symposium at the International Neuropsychological Society (INS) meeting Time and Cognition: From behavioral studies to brain imaging, June 30-July 3, Krakow, Poland.

**Training Schools:**
• 3-Day Training School on *Dynamical systems for psychological timing and timing in speech processing*, May 2\(^{\text{nd}}\)-4\(^{\text{th}}\), 2012, Vietri sul Mare, Italy.

• 5-Day Training School on the *Temporal processing in clinical populations*, March 26\(^{\text{th}}\)-30\(^{\text{th}}\), 2012, Thessaloniki, Greece.

• 5-Day Training School on the *Psychophysical, Computational and Neuroscience Models of Time Perception*, April 4\(^{\text{th}}\)-8\(^{\text{th}}\), 2011, Groningen, Netherlands (http://timely-cost.eu/training-school-2).

**Chairing:**


• Experimental Psychology Session in the *3rd Annual D. Phil. Students Meeting*, 22 June 2007, University of Oxford, Medical Sciences Division.

**Teaching Experience:**

Lecturer:

- *Research Methods in Experimental Psychology*, Department of Philosophy and History of Science, University of Athens, Greece, 2014-15
- *Multisensory Perception and Attention*, Department of Philosophy and History of Science, University of Athens, Greece, 2009-13
- *Cognitive Psychology*, Department of Philosophy and History of Science, University of Athens, Greece, 2011-14
- *Introduction to Cognitive Psychology II*, Department of Psychology, Panteio University, Athens, Greece, 2009-10
- *Current Topics in Cognitive Psychology*, Department of Psychology, Panteio University, Athens, Greece, 2009-10
- *Introduction to Cognitive Psychology I*, Department of Psychology, Panteio University, Athens, Greece, 2008-10

Graduate Assistant, PSYCH 110, *Introduction to Behavioral Statistics*, Department of Psychology, CSU Long Beach, USA, 2002-04

Tutor (Math & Psychology), Professional Tutors of America, Brea, USA, 2002-03

Laboratory Instructor, PSYCH 310, *Intermediate Statistics*, Department of Psychology, CSU Long Beach, USA, Summer Session 2002

**Student Supervision:**

Master thesis supervision:

- Georgia Anna Chandridi, Thesis Title: *Memory mixing in audiovisual duration judgments*, Dept. of Philosophy & History of Science, University of Athens, Current.
- Venetia Bakirtzi, Thesis Title: *Audiovisual Temporal Integration in Autism*, Dept. of Philosophy & History of Science, University of Athens, Current.
• Stella Angelaki, Thesis Title: The Unity Effect: Top-down or Bottom-up processes? Dept. of Philosophy & History of Science, University of Athens, Current.
• Efthimis Tsilionis, Thesis Title: Imaging the Unity Effect, Dept. of Philosophy & History of Science, University of Athens, Current.
• Mary Kostaki, Thesis Title: Continuity and Synchrony: The common link, Dept. of Philosophy & History of Science, University of Athens, Current.
• Elpida Manoudi, Thesis Title: Timing in Cinematography, Dept. of Philosophy & History of Science, University of Athens, Current.
• Alexandros Rouchitsas, Thesis Title: Explicit and Implicit Temporal Learning, Dept. of Philosophy & History of Science, University of Athens, Current.
• Markos Sellis, Thesis Title: Multisensory Integration: Inverse Effectiveness or Stochastic Resonance?, Dept. of Philosophy & History of Science, University of Athens, 2015.
• Petros Papavasiliou, Thesis Title: Emotional Responses to Musical Intervals with Specific Acoustical Properties and the Effect of the Induced Emotions in Duration Perception, Dept. of Philosophy & History of Science, University of Athens, 2015.
• Helena Sgouramani (co-supervision with Marc Leman & Leon van Noorden), Thesis Title: In Search of Lost Time: Does Dance Experience Enhance Time Perception? Dept. of Philosophy & History of Science, University of Athens, 2013.
• Miketa Arvanity (co-supervision with Noam Savig), Thesis Title: Is 'A' always red? Multisensory integration in synesthetes and non-synesthetes, Dept. of Philosophy & History of Science, University of Athens, 2013.
• Argiro Vagia, Thesis Title: Language and Timing: How temporal and non temporal concepts can affect duration perception, Dept. of Philosophy & History of Science, University of Athens, 2013.
• Dionisis Koymoytsos (co-supervision with Charles Spence), Thesis Title: Unity assumption for non-speech stimuli, Dept. of Philosophy & History of Science, University of Athens, 2012.
• Nancy Verriopoulou (co-supervision with Simon Grondin), Thesis Title: Using video games and brain training software to modulate human time perception, Dept. of Philosophy & History of Science, University of Athens, 2011.
• Vassiliki Sofra (co-supervision with Stella Vosniadou), Thesis Title: Creativity and student performance, Dept. of Philosophy & History of Science, University of Athens, 2010.
• Daphne Roumani (co-supervision with Konstantinos Moutousis), Thesis Title: Binocular Rivarly, Dept. of Philosophy & History of Science, University of Athens, 2009.
• Fotis Fotiadis (co-supervision with Thanasis Protopapas), Thesis Title: The effect of cue naming in probabilistic category learning, Dept. of Philosophy & History of Science, University of Athens, 2009.
• Eliza Argyriou (co-supervision with Nikolaos Smyrnis), Thesis Title: Aspects of auditory-motor synchronization with isochronous rhythmic patterns, Dept. of Philosophy & History of Science, University of Athens, 2009.
• Dimitris Rogaris (co-supervision with Georgios Gyftodimos), Thesis Title: *Perception of simple and complex musical pieces*, Dept. of Philosophy & History of Science, University of Athens, 2009.

Bachelor’s thesis supervision:
• Eleni Psarrou, Thesis Title: *Intentional binding of naturalistic stimuli*, Dept. of Psychology, Panteion University, Athens, 2014.
• Konstantina Margiotoudi, Thesis Title: *Timing and Gestures*, Dept. of Psychology, Panteion University, Athens, 2013.

**Publications**

**Journal:**

**Journal Special Issues:**

**Books/Edited Books/Proceedings:**

**Book Chapters:**


Translated Books:

Paper (Peer-Reviewed) Publications:
Meck, W., Vatakis, A., & van Rijn, H. (2014). Timing & Time Perception Reviews: Opening the door to theoretical discussions of consciousness, decision-making, multisensory processing, time cells and memory mapping … to name but a few issues of relevance to temporal cognition. Time & Time Perception Reviews, 1, 1-4.
mental health problems among children with alopecia areata or atopic dermatitis and their parents. *British Journal of Medicine and Medical Research, 3*(1), 162-172.


**Abstract (Peer-Reviewed) Publications:**


Greek Paper Publications:


Talks & Poster Presentations:
Talks:


Posts:
Kostaki, M., & Vatakis, A. (2014). Could the unequal number of sensory inputs lead to a crossmodal binding rivalry? Poster presented at the 15th International Multisensory Research Forum (IMRF), 11-14 June, Amsterdam, NL.


Clinical Setting Experience:
Employment Specialist, CSU Long Beach, Center for Career Studies, USA, 2002-04

Substance Abuse Counselor, Southern California Alcohol & Drug Programs, Downey, USA, 2002

Career Services Specialist, City of Westminster, USA, 2001-02

Summer Youth Counselor, City of Westminster, USA, 2001

Intern-Certified Domestic Violence Counselor, Su Casa Family Crisis & Support Center, Long Beach, USA, 1997-99

Volunteer Student Assistant, Long Beach Community Hospital, Department of Mental Health, USA, 1995-96

Relevant Work Experience:
Managing the publishing line of Experimental Psychology for the publishing house “Pedio” [www.pediobooks.gr].

Website administrator for the publishing company “Κοινός Τόπος” for the journal “Σύναψις” (Collective journal for Psychiatry-Psychology-Neuroscience-Philosophy; www.sinapsis.gr).

Graduate Student Marker for Undergraduate Psychology Admissions, University of Oxford, UK, 2004-07

Graduate Assistant, Visual Search Practicum, University of Oxford, UK, 2004

Graduate Student Intern, Boeing Corp., Phantom Works, Long Beach, USA, 2003-04

Relevant Certifications, Workshops, Coursework, & Exhibitions:
Coursera Verified Certification:
• 7-week course: What a plant knows (and other things you didn’t know about plants), Tel Aviv University, 2014-15 (coursera.org/verify/HXV828DDGW)

Graduate Skills Course, Medical Sciences Division’s Skills Training Programme, University of Oxford, UK, January 2007
_Funded by:_ Medical Sciences Division, University of Oxford

*Good practice in citation and the avoidance of plagiarism*, Certification course

UK GRAD School, Medical Sciences Division’s Skills Training Programme, University of Oxford, UK, March 2006

*Personal Development for Graduates and Post-docs*, 4-day Graduate course
_Funded by:_ Medical Sciences Division, University of Oxford

Interdisciplinary Center for Neural Computation (ICNC), Hebrew University of Jerusalem, Israel, February 2006

*Changing your mind about the brain*, 2-week Course & Workshop
_Funded by:_ European Union Improving Human Potential Programme

Preparing Future Faculty (PFF) in Psychology Initiative, Association of American Colleges and Universities (AAC&U) & Council of Graduate Schools (CGS), September 2004

*Preparing Future Faculty in Psychology*, University of New Hampshire, GRAD980 Course
_Funded by:_ American Psychological Association (APA)

**Languages:**

- English – native language; speak fluently and read/write with high proficiency
- Greek – native language; speak fluently and read/write with high proficiency

**Peer-Reviewing:**

_Advisory Committee member_ for the “Archives, The International Journal of Medicine”.

_Editorial Board Member_ for the “The International Journal of Medicine – Greek Pages” (Ελληνικές Σελίδες Ιατρικής).

Peer-reviewing journal articles on an _ad-hoc_ basis for the following journals:

and Performance, Cognition, Cerebral Cortex, Speech Communication, PLOS Computational Biology, Acta Psychologica.

**IT & Other Skills/Experiences:**

Certified fMRI scanner operator; Driving simulator experience, Eye-tracker systems, & PC/Mac skills.

European Computer Driving License (ECDL) Certification.

Advanced European Computer Driving License (AECDL) Certification - Advanced Presentations

Programming languages: Presentation, Visual Basic, MATLAB, OpenSesame.

MS Office-Word, Works, Excel, Visio, Power Point, Front Page, Access, Publisher, and Outlook, Smart Draw, BrainVoyager 2000, SPM, SAS, SPSS, MiniTab, 3DS MAX, Graph Pad, EndNote, Neurolucida, VSearch (Mac), I-Web (Mac), I-Maker (Mac), Adobe- Premier 6.0, Audition, After-Effects and Creative Suite, Sony Vegas, PRAAT, Transcriber, Callisto, Anvil, ELAN, Audacity.
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

2 http://music.us/supporters
3 http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;
2. The organized and delineated logical alliance of communities exists; and
3. The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
According to Wikipedia:⁸

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants…and non-commercial participants…and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”…UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music…The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values…Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions…subscription to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.⁹

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.  

The Berne Convention for the Protection of Literary and Artistic Works provides that each of the 168 contracting parties (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries. This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

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10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN,14 ISRC,15 ISWC,16 ISNI.17 (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.18

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music. IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs.

IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

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21 [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
22 [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
23 [http://www.imc-cim.org/about-imc-separator/who-we-are.html](http://www.imc-cim.org/about-imc-separator/who-we-are.html)
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.\(^\text{24}\)

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\(^\text{25}\) Other small government Ministries of Culture, such as Albania,\(^\text{26}\) or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,\(^\text{27}\) all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.\(^\text{28}\)

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).\(^\text{29}\)
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

\(^{24}\) U.S Copyright Office, [http://www.copyright.gov/carp/m200a.html](http://www.copyright.gov/carp/m200a.html)

\(^{25}\) 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” ([http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf](http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf)). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1\(^{st}\) Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)

\(^{26}\) [http://www.culturalpolicies.net/down/albania_012011.pdf](http://www.culturalpolicies.net/down/albania_012011.pdf)


organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.

- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.

- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”

- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.

- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

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35 NEA Strategic Plan 2012-2016, [www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf](http://www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf)


37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, [http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download](http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download), Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)


Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.  

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes** – iTunes accounts for 63% of global digital music market - a majority – with a registered community of 800 million registered members available in 119 countries who abide to strict terms of service and boundaries and have downloaded over 25 billion songs from iTunes’ catalog of over 43 million songs covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.

- **Pandora** – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.

- **Spotify** – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.

- **Vevo** – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.

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40 http://a2im.org/about-joining/
41 http://a2im.org/groups/tag/associate+members/
42 http://a2im.org/groups/itunes
44 http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt
47 https://www.apple.com/itunes/features/
49 http://a2im.org/groups/pandora
ir.net/External.File?item=UGFyZW50SUQ9MTkxNTM1fENoaWxkSUQ9LTF8VHlwZT01,Pg.9
51 http://a2im.org/groups/spotify
52 https://press.spotify.com/us/information/
53 http://a2im.org/groups/vevo/
• Youtube\textsuperscript{55} – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,\textsuperscript{56} of which 38.4\% is music-related.\textsuperscript{57}

• Reverbnation\textsuperscript{58} – Reverbnation\textsuperscript{59} is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• BMG\textsuperscript{60} – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.\textsuperscript{61}

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport\textsuperscript{62}), China (China Audio Video Association\textsuperscript{63}) and Germany (Initiative Musik).\textsuperscript{64} A2IM also has Affiliate\textsuperscript{65} associations within the global music community. These include Affiliates such as MusicFirst,\textsuperscript{66} the Copyright Alliance,\textsuperscript{67} the Worldwide Independent Network (WIN)\textsuperscript{68} and Merlin.\textsuperscript{69}

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.\textsuperscript{70} The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99\% of music actors in Europe which are micro, small and medium sized enterprises.

\textsuperscript{54}http://www.vevo.com/c/EN/US/about
\textsuperscript{55}http://a2im.org/groups/youtube/
\textsuperscript{56}https://www.youtube.com/yt/press/statistics.html
\textsuperscript{57}http://www.researchandmarkets.com/reports/2092499/internet_video_2011_2014_view_share_site_and
\textsuperscript{58}http://a2im.org/groups/reverb-nation/
\textsuperscript{59}http://www.reverbnation.com/about
\textsuperscript{60}http://a2im.org/groups/bmg-rights/
\textsuperscript{61}http://www.bmg.com/category/about-us/history/
\textsuperscript{62}http://a2im.org/groups/french-music-export-office
\textsuperscript{63}http://a2im.org/groups/china-audio-video-association-cava
\textsuperscript{64}http://a2im.org/groups/initiative-musik-gmbh
\textsuperscript{65}http://a2im.org/groups/tag/associate+members/
\textsuperscript{66}http://musicfirstcoalition.org/coalition. The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
\textsuperscript{67}http://www.copyrightalliance.org/members
\textsuperscript{68}http://www.winformusic.org
\textsuperscript{69}http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” — a majority of global music.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for **Community Establishment** and **Community Endorsement** from the majority of the global Music Community as defined.

**B) Nexus**

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The **Nexus** of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community

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73 [http://music.us/supporters](http://music.us/supporters)
74 See [http://music.us/nexus](http://music.us/nexus)
defined to register a .MUSIC domain without any conflicts of interests, over-reaching or
discrimination. The definition of the Community requires that members have an active, non-
tangential relationship with the applied-for string and the requisite awareness of the music
community they identify with as part of the registration process. It is clear that the general
public will directly associate and equate the string with the Community as defined by DotMusic.
There is no possibility of overreaching beyond the definition or allowing unrelated non-music
entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization
   (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of
   the Community: “the strictly delineated and organized logical alliance of communities of
   similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community
by identifying which clearly defined community they belong to and have an active participation
in. The nexus of the applied-for string ensures inclusion of the entire global community that the
string represents while excluding unrelated-entities not associated with the string. This way there
is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no
empirical evidence providing an exact, finite number because amateur entities are also included
in the Community’s definition), it is in the considerable millions as explicitly stated in the
DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive
Registration Policies ensure that eligible members are only music-related and associated with the
string. This is because the string identifies all constituents involved in music. Music-only
participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the
nexus between the string and Community defined. According to DotMusic, the Community
definition, eligibility criteria and content and use requirements ensure that peripheral industries
and entities not related to music are excluded so that the string and the defined Community
matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose
i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant
to music. The string as defined in the application demonstrates uniqueness because it has no
other significant meaning beyond identifying the community described in the application.
According to DotMusic’s application, any tangential or implicit association with the nexus of the
Community and the string is not regarded as a delineated membership since it would be
considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential
relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

[Signature]

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INSEAD
10 April 2015
EMPLOYMENT
September 2014 - 
INSEAD
Assistant Professor of Organisational Behaviour
Fontainebleau, France

EDUCATION
2008 – Present
The University of Chicago Booth School of Business
Chicago, IL
Joint Ph.D in Business (Economic Sociology) and Sociology (expected 2014)
M.A. in Sociology (2013)
M.B.A. (2014)

1998-2002
Harvard University
Cambridge, MA
B.A., cum laude, in Psychology
Language Citation in Spanish

2000
Universidad San Pablo, CEU
Madrid, Spain
Spanish language and culture immersion

RESEARCH INTERESTS
Economic sociology, social networks, production of culture, diffusion, status, authenticity, music and the music industry, social media, higher education

PAPERS
Published, In-press

Working Papers


“Cultural Networks And Consumption Dynamics: The Billboard Hot 100 Charts” (Preparing for submission)

Non-Refereed Publications

Research In Progress, Ongoing

“The impact of status on student gender distributions in US higher education” (with Matthew S. Bothner)
HONORS, FELLOWSHIPS
2012-13  Oscar Mayer Fellowship, Booth School of Business, University of Chicago
2011-12  Katherine Dusak Miller Fellowship, Booth School of Business, University of Chicago
2009-13  Teaching assistant top evaluation, Executive MBA Program (Chicago, London and Singapore Campuses)
2009     Entrepreneurial Intern Fellowship, Polsky Center for Entrepreneurship
2002     Honors (cum laude) in Psychology, Harvard University

INVITED TALKS & CONFERENCE PRESENTATIONS
Upco.  International Conference on Social Informatics (SocInfo2014), Barcelona, Spain
Using Big Data to Understand Consumption Dynamics in Popular Music: Evidence from the Billboard Hot 100
2014  European School of Management and Technology (ESMT), Berlin, Germany
The (Tangled) Web of Group Affiliations: The Impact of Minority Group Presence on Perceptions of Organizational Status
2014  Academy of Management, Philadelphia, PA
State of the Arts: New Frontiers in the Analysis of Culture and Cultural Organizations (organizer)
Using Big Data to Explain Cultural Innovation: Evidence from Popular Music (presenter)
2014  Knowledge Lab at the University of Chicago, Chicago, IL
A New Approach to Studying Production and Consumption Dynamics in Popular Music
2013  Academy of Management, Orlando, FL
2013  European Group for Organizational Studies Colloquium, Montréal, QC
2013  University of Chicago Social Theory & Evidence Workshop, Chicago, IL
2012  American Sociology Association Annual Conference, Denver, CO
Peer effects in tournaments for status: Evidence from dynamics in ranks of U.S. colleges and universities
2012  Academy of Management, Boston, MA
Status-based Competition and Tournaments for Prestige (Symposium)
2012  International Network of Analytical Sociologists, New York, NY
Peer effects in tournaments for prestige: Evidence from dynamics in ranks of U.S. colleges and universities

ACADEMIC AFFILIATIONS
2013 – Present  Member: European Group on Organizational Studies
2009 – Present  Member: American Sociological Association
2010 – Present  Member: Academy of Management

SERVICE
Book Manuscript Review Board for American Journal of Sociology
Ad Hoc Reviewer for American Journal of Sociology, Academy of Management Journal
Reviewer for Academy of Management Annual Conference
UNIVERSITY SERVICE AND OTHER PROFESSIONAL EXPERIENCE

Teaching Assistant
2011-13  “Strategic Leadership” with Matthew Bothner. University of Chicago Booth School of Business, London and Singapore Campuses, EMBA Program
2009-14  “Competitive Strategy” with Ram Shivakumar. University of Chicago Booth School of Business, FEMBA, MBA and EMBA Programs

Professional Experience
2005-07  Regional Manager and Junior Partner, Revolution Prep. Santa Monica, CA & Boston, MA
2003-05  Consultant, The Monitor Group. Santa Monica, CA

ADDITIONAL INTERESTS
Spanish language (conversational), international travel, acoustic guitar and piano, live music, distance running, triathlons

Website: http://www.insead.edu/facultyresearch/faculty/profiles/naskin/
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

**SUMMARY**

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

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² [http://music.us/supporters](http://music.us/supporters)
³ [http://music.us/supporters](http://music.us/supporters)
ASSESSMENT OF COMMUNITY DEFINITION, ESTABLISHMENT AND NEXUS

A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
According to Wikipedia:

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants…and non-commercial participants…and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”…UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music…The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values…Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions…subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.¹⁰

The Berne Convention for the Protection of Literary and Artistic Works¹¹ provides that each of the 168 contracting parties¹² (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.¹³ This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

¹⁰ http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
¹² http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
¹³ http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
Communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

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


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

iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music. IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

20 http://www.ifacca.org/membership/current_members/
21 http://www.ifacca.org/strategic_partners/
22 http://www.ifacca.org/strategic_partners/
23 http://www.imc-cim.org/about-imc-separator/who-we-are.html
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.  

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania, or government Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

24 U.S Copyright Office, [http://www.copyright.gov/carp/m200a.html](http://www.copyright.gov/carp/m200a.html)
25 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” ([http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf](http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf)). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
26 [http://www.culturalpolicies.net/down/albania_012011.pdf](http://www.culturalpolicies.net/down/albania_012011.pdf)
organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.  

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.
- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.  
- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”
- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.
- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

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32 http://www.pch.gc.ca/eng/1294862453819/1294862453821
37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%2010%2011%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.40

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**42 – iTunes accounts for 63% of global digital music market43 - a majority – with a registered community of 800 million registered members44 available in 119 countries who abide to strict terms of service and boundaries45 and have downloaded over 25 billion songs46 from iTunes’ catalog of over 43 million songs47 covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.48

- **Pandora**49 – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.50

- **Spotify**51 – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.52

- **Vevo**53 – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.54

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40 [http://a2im.org/about-joining/](http://a2im.org/about-joining/)
41 [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
42 [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)
48 [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)
50 [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)
52 [http://a2im.org/groups/vevo/](http://a2im.org/groups/vevo/)
• **Youtube** – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube, of which 38.4% is music-related.

• **Reverbnation** – Reverbnation is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG** – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport), China (China Audio Video Association) and Germany (Initiative Musik). A2IM also has Affiliate associations within the global music community. These include Affiliates such as MusicFirst, the Copyright Alliance, the Worldwide Independent Network (WIN) and Merlin.

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

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55 [http://a2im.org/groups/youtube/](http://a2im.org/groups/youtube/)
58 [http://a2im.org/groups/reverb-nation/](http://a2im.org/groups/reverb-nation/)
59 [http://www.reverbnation.com/about](http://www.reverbnation.com/about)
60 [http://a2im.org/groups/bmg-rights/](http://a2im.org/groups/bmg-rights/)
62 [http://a2im.org/groups/french-music-export-office](http://a2im.org/groups/french-music-export-office)
63 [http://a2im.org/groups/china-audio-video-association-caya](http://a2im.org/groups/china-audio-video-association-caya)
64 [http://a2im.org/groups/initiative-musik-gmbh](http://a2im.org/groups/initiative-musik-gmbh)
65 [http://a2im.org/groups/tag/associate-members/](http://a2im.org/groups/tag/associate-members/)
66 [http://musicfirstcoalition.org/coalition](http://musicfirstcoalition.org/coalition), The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
67 [http://www.copyrightalliance.org/members](http://www.copyrightalliance.org/members)
68 [http://www.winformusic.org](http://www.winformusic.org)
69 [http://www.merlinnetwork.org](http://www.merlinnetwork.org)
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” 71 – a majority of global music. 72

Another letter 73 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support 74 from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

74 http://music.us/supporters
According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries...

75 See http://music.us/nexus
and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the *nexus* of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates *uniqueness* because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the *nexus* of the Community and the string is *not* regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would *not* constitute a qualifying Community membership and would be *ineligible* for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would *not* function as it does today without the participation of all music constituent types which cumulatively *match* the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Signature: 

Name: Brian E Corner, PhD

Title: Digital Communications Specialist

Organization: The Cedar Cultural Center, Minneapolis
Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.5

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary6) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries7).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;
(2) The organized and delineated logical alliance of communities exists; and
(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
According to Wikipedia:  

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.13 This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”): 

“With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music. IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and

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20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See http://www.oxforddictionaries.com/definition/english/mainly and http://www.merriam-webster.com/dictionary/mainly respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392).
21 http://www.ifacca.org/membership/current_members/
influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\(^{22}\) The UNESCO strategic partnership\(^{23}\) is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\(^{24}\)

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.\(^{25}\)

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\(^{26}\) Other small government Ministries of Culture, such as Albania,\(^{27}\) or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,\(^{28}\) all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.\(^{29}\)

\(^{22}\) http://www.ifacca.org/strategic_partners/
\(^{23}\) http://www.ifacca.org/strategic_partners/
\(^{24}\) http://www.imc-cim.org/about-imc-separator/who-we-are.html
\(^{25}\) U.S Copyright Office, http://www.copyright.gov/carp/m200a.html
\(^{26}\) 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
\(^{27}\) http://www.culturalpolicies.net/down/albania_012011.pdf
\(^{29}\) http://my.midem.com/en/contact-us/pavilion-representatives/
Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).  
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.
- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.
- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”

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33 http://www.pch.gc.ca/eng/1294862453819/1294862453821
38 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
• The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.  

• In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

• Apple iTunes – iTunes accounts for 63% of global digital music market - a majority – with a registered community of 800 million registered members available in 119 countries who abide to strict terms of service and boundaries and have downloaded over 25 billion songs from iTunes’ catalog of over 43 million songs covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.
• **Pandora**[^50] – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.[^51]

• **Spotify**[^52] – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.[^53]

• **Vevo**[^54] – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.[^55]

• **Youtube**[^56] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,[^57] of which 38.4% is music-related.[^58]

• **Reverbnation**[^59] – Reverbnation[^60] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**[^61] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^62]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^63]), China (China Audio Video Association[^64]) and Germany (Initiative Musik).[^65] A2IM also has Affiliate associations within the global music community. These include Affiliates such as MusicFirst[^67], the Copyright Alliance,[^68] the Worldwide Independent Network (WIN)[^69] and Merlin.[^70]

[^50]: http://a2im.org/groups/pandora
[^51]: http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/ and http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9MTkxNTM1fENoaWxkSUQ9LTF8VHlwZT0z&t=1, Pg.9
[^52]: http://a2im.org/groups/spotify
[^54]: http://a2im.org/groups/vevo/
[^55]: http://www.vevo.com/c/EN/US/about
[^56]: http://a2im.org/groups/youtube/
[^57]: https://www.youtube.com/yt/press/statistics.html
[^58]: http://www.researchandmarkets.com/reports/2092499/internet_video_2011_2014_view_share_site_and
[^59]: http://a2im.org/groups/reverb-nation
[^60]: http://www.reverbnation.com/about
[^61]: http://a2im.org/groups/bmg-rights/
[^63]: http://a2im.org/groups/french-music-export-office
[^64]: http://a2im.org/groups/china-audio-video-association-cava
[^65]: http://a2im.org/groups/initiative-musik-gmbh
[^66]: http://a2im.org/groups/tag/associate+members/
[^67]: http://musicfirstcoalition.org/coalition, The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
[^68]: http://www.copyrightalliance.org/members
[^69]: http://www.winformusic.org
A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.\textsuperscript{71} The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide”\textsuperscript{72} whose members\textsuperscript{73} – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member,\textsuperscript{74} represents “approximately 85% of all legitimate recorded music produced and sold in the United States,”\textsuperscript{75} the world’s largest music market with 30% global market share.\textsuperscript{76} Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music”\textsuperscript{77} – a majority of global music.\textsuperscript{78}

\textsuperscript{70} http://www.merlinnetwork.org
\textsuperscript{72} http://www.ifpi.org/about.php
\textsuperscript{73} http://www.ifpi.org/our-members.php
\textsuperscript{74} http://www.ifpi.org/national-groups.php
\textsuperscript{75} http://www.riaa.com/faq.php
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\textsuperscript{77} https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf, Pg.1
\textsuperscript{78} https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf, Pg.3, Appendix A
Another letter\(^79\) sent to ICANN (on April 14\(^{th}\), 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally.\(^80\) Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support\(^81\) from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

**B) Nexus\(^82\)**

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music


\(^81\) [http://music.us/supporters](http://music.us/supporters)

\(^82\) See [http://music.us/nexus](http://music.us/nexus)
entities to be included as part of the Community. Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as

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83 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
defined and structured. Music would **not** function as it does today without the participation of all music constituent types which cumulatively **match** the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Signature: [Signature Image]

Name: Chantelle Tibbels, Ph.D

Title: Sociologist

Organization: Chantelle Tibbels, com
About Dr. Chauntelle Tibbals

EDUCATION

PhD – Sociology, University of Texas at Austin (UT), 2010

M.A. – Sociology, California State University at Northridge (CSUN), 2003

B.S. – Physiological Science & Sociology, University of California at Los Angeles (UCLA), 2000

AREAS OF SOCIOLOGICAL SPECIALIZATION

Dr. Chauntelle Tibbals has written expository essays, research reviews, and opinion pieces published in the Encyclopedia of Gender & Society, Gender & Society, Women’s Studies International Forum, and the Los Angeles Daily Journal (among others).

Dr. Chauntelle Tibbals is an embedded public sociologist. This means my sociology is out in the world, a product of ongoing interactions with ever-evolving communities and subcultures. (see here for more)

Gender, Sexualities, Work & Organizations, Qualitative Research Methods, Media & New Media, Popular Culture

Work and insights have been cited in and/or referred to by Slate, KPCC (NPR), NBC News, CNN, VICE, TIME, and BloombergWest (among many others).

SELECTED SCHOLARLY PUBLICATIONS


Tibbals, Chauntelle Anne. 2012. “‘Anything that forces itself into my vagina is by definition raping me…’ – Adult Performers and Occupational Safety and Health (here).” Stanford Law and Policy Review (SLPR).


KEY REFERENCES


INTERVIEWS

- 411Mania
- ACJS Today
- CRAVE Online
- DrunkCastLive (podcast)
- Eddie Bravo Radio (video)
- Grantland
- Huffington Post
- Innovation Crush (podcast)
- MTV News
- NBC News (camera)
- NextShark
- On the Ground Floor
- Reddit IAmA
- Refinery29
- Rock Confidential
- Sexual Wellness News
- Shawn Alff
- Slate
• The Web Psychologist (podcast)
• VICE

VARIOUS WRITING & OP-EDS

• AVN
• BroBible
• Dirty&Thirty
• Men's Health
• New York Post
• Playboy
• PVVOnline
• UPROXX/FilmDrunk

SELECTED QUOTES & CITATIONS

• ABC-Univision
• Al Jazeera
• AlterNet
• AskMen.com
• BankRate
• BetaBeat
• BloombergTV
• Business Insider
• Bustle
• Chicago Tribune
• CNBC (1/21/15)
• CNBC (1/22/15)
• CNBC (1/24/15)
• CNN
• CraveOnline
• Daily Beast
• Daily Dot
• de Correspondent
• Ekstra Bladet (Additional Sheet)
• Examiner.com
• Glammonitor
• Good Vibrations Sex Summit (video)
• HuffingtonPost
• Inside HigherEd
• Jezebel
• KHTS
· KPCC (NPR)
· La Presse
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· LiveScience
· NBC News (1/20/15)
· NBC News (3/29/15)
· NBC News (4/25/13)
· Playboy
· Ravishly
· Reason.com
· Refinery29
· SheKnows
· Telegraph UK
· The Atlantic
· The Debrief
· The Kernel
· TIME Magazine
· TWiB AfterDark (podcast)
· Venture Beat
· VICE News
· VICE Noisey
· VICE UK
· YourTango

WEBSITE: http://www.chauntelletibbals.com/about/cv
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (ii) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (iii) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity *mainly* dedicated to the community supporting DotMusic’s application. Such documented *Support* includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The *Nexus* of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the *Nexus, Community Establishment* and *Support* criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² [http://music.us/supporters](http://music.us/supporters)
³ [http://music.us/supporters](http://music.us/supporters)
A) **Music Community Definition, Establishment & Community Endorsement**

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application Answer to Question 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) **An Organized, Cohesive, Interdependent Logically-Allied Community:**

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector. “Music” is a regulated sector comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music that was publicly recognized by both ICANN and the Government Advisory Committee. As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

DotMusic’s application follows unified principles that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination (See Application Answers to 18).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;

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4 See [http://music.us/establishment](http://music.us/establishment)
(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia. According to Wikipedia:8

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.9

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DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.\(^{10}\) The Berne Convention for the Protection of Literary and Artistic Works\(^{11}\) provides that each of the 168 contracting parties\(^{12}\) (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other

\(^{10}\) http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html

\(^{11}\) http://www.wipo.int/treaties/en/text.jsp?file_id=283698

\(^{12}\) http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
countries.\textsuperscript{13} This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”.

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN,\textsuperscript{14} ISRC,\textsuperscript{15} ISWC,\textsuperscript{16} ISNI.\textsuperscript{17} (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.\textsuperscript{18}

\textsuperscript{13} \url{http://www.britannica.com/EBchecked/topic/62482/Berne-Convention}  
\textsuperscript{14} The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See \url{http://www.ismn-international.org/whatis.html} and \url{http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173}  
\textsuperscript{15} The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See \url{http://isrc.ifpi.org}, \url{https://www.usisrc.org/about/index.html} and \url{http://www.iso.org/iso/catalogue_detail?csnumber=23401}  
\textsuperscript{16} The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See \url{http://www.iswc.org/en/faq.html} and \url{http://www.iso.org/iso/catalogue_detail?csnumber=28780}  
\textsuperscript{17} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See \url{http://www.isni.org/} and \url{http://www.iso.org/iso/catalogue_detail?csnumber=44292}  
\textsuperscript{18} \url{https://whois.icann.org/en/about-whois} and \url{https://www.icann.org/resources/pages/faqs-f0-2012-02-25-en}
Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of…a logical alliance of communities (for example, an international federation of national communities of a similar nature… viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal

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20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See http://www.oxforddictionaries.com/definition/english/mainly and http://www.merriam-webster.com/dictionary/mainly respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392).
role with respect to music.\(^\text{21}\) IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The "Size" covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music \(\text{surpasses}\) any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\(^\text{22}\) The UNESCO strategic partnership\(^\text{23}\) is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\(^\text{24}\)

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.\(^\text{25}\)

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\(^\text{26}\) Other small government Ministries of Culture, such as Albania,\(^\text{27}\) or government

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\(^{21}\) [http://www.ifacca.org/membership/current_members/](http://www.ifacca.org/membership/current_members/)

\(^{22}\) [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)

\(^{23}\) [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)

\(^{24}\) [http://www.imc-cim.org/about-imc-separator/who-we-are.html](http://www.imc-cim.org/about-imc-separator/who-we-are.html)

\(^{25}\) U.S Copyright Office, [http://www.copyright.gov/carp/m200a.html](http://www.copyright.gov/carp/m200a.html)

\(^{26}\) 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” ([http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf](http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf)). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6),
Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

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27 http://www.culturalpolicies.net/down/albania_012011.pdf
33 http://www.pch.gc.ca/eng/1294862453819/1294862453821
• The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception\textsuperscript{35} and has a strong focus on music as outlined in its Strategic Plan\textsuperscript{36} with Congress requested to provide $154,465,000 for fiscal year 2014.\textsuperscript{37}

• The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”\textsuperscript{38}

• The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.\textsuperscript{39}

• In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.\textsuperscript{40}

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide”\textsuperscript{41} whose members\textsuperscript{42} – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member,\textsuperscript{43} represents “approximately 85% of all legitimate recorded music produced and sold in the United States,”\textsuperscript{44} the world’s largest music market with 30% global market share.\textsuperscript{45} Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

\textsuperscript{36} NEA Strategic Plan 2012-2016, \url{www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf}
\textsuperscript{37} http://www.ifacca.org/national_agency_news/2013/04/10/us-president-requests-154465000-neh-2014/
\textsuperscript{38} 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, \url{http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download}, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
\textsuperscript{39} Singapore Arts Council, \url{http://www.nac.gov.sg/media-centre/news-releases/news-detail?id=c2db15e2-c319-40ec-939c-d58735d0a91c}
\textsuperscript{40} \url{http://www.taiteenkeskustoimikunta.fi/documents/10162/31704/TY+tilastotiedote+1+12+.pdf}, Page 1 and Page 23
\textsuperscript{41} \url{http://www.ifpi.org/about.php}
\textsuperscript{42} \url{http://www.ifpi.org/our-members.php}
\textsuperscript{43} \url{http://www.ifpi.org/national-groups.php}
\textsuperscript{44} \url{http://www.riaa.com/faq.php}
\textsuperscript{45} \url{http://www.statista.com/topics/1639/music/}
Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.46

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes** – iTunes accounts for 63% of global digital music market49 - a majority – with a registered community of 800 million registered members50 available in 119 countries who abide to strict terms of service and boundaries51 and have downloaded over 25 billion songs52 from iTunes’ catalog of over 43 million songs53 covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.54

- **Pandora** – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.56

- **Spotify** – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.58

- **Vevo** – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.60

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46 [http://a2im.org/about-joining/](http://a2im.org/about-joining/)
47 [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
48 [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)
54 [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)
55 [http://a2im.org/groups/vevo](http://a2im.org/groups/vevo)
• **Youtube** – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube, of which 38.4% is music-related.

• **Reverbnation** is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG** – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport), China (China Audio Video Association) and Germany (Initiative Musik). A2IM also has Affiliate associations within the global music community. These include Affiliates such as MusicFirst, the Copyright Alliance, the Worldwide Independent Network (WIN) and Merlin.

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

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61 http://www.vevo.com/c/EN/US/about
62 http://a2im.org/groups/youtube/
63 https://www.youtube.com/yt/press/statistics.html
64 http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and
65 http://a2im.org/groups/reverb-nation/
66 http://www.reverbnation.com/about
67 http://a2im.org/groups/bmg-rights/
68 http://www.bmg.com/category/about-us/history/
69 http://a2im.org/groups/french-music-export-office
70 http://a2im.org/groups/china-audio-video-association-cava
71 http://a2im.org/groups/initiative-musik-gmbh
72 http://a2im.org/groups/tag/associate-members/
73 http://musicfirstcoalition.org/coalition
74 http://musicfirstcoalition.org/coalition
75 http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” – a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

The International Music Products Association, NAMM, is another globally-recognized and relevant group of non-negligible size that has supported DotMusic. NAMM, formed in 1901, is mainly dedicated to the global music community by representing the international music products industry and community, with globally-recognized members and exhibitors that include Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica, AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanex, AVID, Casio, DW, Sabian, Pearl, Zildjian, Martin, Ludwig, Marshall and others. Every amateur and professional musician worldwide uses music products manufactured and distributed by NAMM’s members. Without these musical instruments and products, music as we know it today would not be created or produced. NAMM and its trade shows power the $17 billion global music products industry serving as a hub for the global music community wanting to seek out the newest innovations in musical products, recording technology, sound and lighting. NAMM’s mission is “to strengthen

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81 https://www.namm.org/files/showdir/ExhibitorList WN15.xls
82 http://www.musictrades.com/global.html
the music products industry and promote the pleasures and benefits of making music." NAMM also hosts the NAMM Show, the world's largest event for the music products industry.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook ("AGB"), to receive the maximum score for Nexus, the applied-for string -- "music" -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the "Music Community" entirely matches the applied-for "music" string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community. Community members may register a .MUSIC by either:

83 https://www.namm.org/about
85 http://music.us/supporters
86 See http://music.us/nexus
1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

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87 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Signature: [Signature]

Name: Daniel James Wolf

Title: PhD Ethnomusicology, Wesleyan University

Organization: Material Press, Frankfurt am Main
Dr. Daniel James Wolf

Education

BA (Music), UC Santa Cruz

MA (World Music)

PhD (Ethnomusicology), Wesleyan University

Biography

Daniel James Wolf (born September 13, 1961 in Upland, California) is an American composer of serious music and a music scholar.

Wolf studied composition study with Gordon Mumma, Alvin Lucier, and La Monte Young, as well as musical tunings with Erv Wilson and Douglas Leedy and ethnomusicology. BA University of California Santa Cruz, MA, PhD, Wesleyan University. Important contacts with Lou Harrison, John Cage, Walter Zimmermann. Managing Editor of Xenharmonikon, 1985-89. Based in Europe from 1989, he is known as a member of the "Material" group of composers, along with Hauke Harder, Markus Trunk.

Wolf's compositions apply an experimental approach to musical materials, with a special interest in intonation, yet often display a surface that playfully - if accidentally - recalls historical musics. Major works include The White Canoe, an opera seria for handpuppets to the libretto by Edward Gorey and four string quartets.

Three distinct streams combine to form Wolf's oeuvre. Wolf makes sound installations, experimental concert works based on sound structures mostly free from historical associations, and experimental concert works based on reifying the tradition of European art music (or other world musics, particular Javanese gamelan) and then performing operations on its internal principles. The following remarks pertain to this last body of work.

Composer Wolf identifies with the experimental music tradition--especially its American West Coast manifestation--spiritually, intellectually and personally. Nevertheless, in that portion of his work where his choice of musical materials and forms derive from common practice harmony and counterpoint, he might, to some, suggest a conservative neoclassicist. Where neoclassicism means pursuing classical ideals with novel sonic resources, Wolf's actually employs the reverse tactic -- he virtuosically explores reasonably familiar classical or neoclassical materials with no a priori commitment to received ideals.

He jokingly calls his method "dysfunctional harmony." A metaphor might help explain his meaning. Imagine the principles of common practice music as carried by some genetic code subject to mutations. Either intuitively or methodically, Wolf mutates certain genes and produces harmony or counterpoint that systematically engages our historical understanding but still undermines our expectations. In the long run biological mutations either prove
adaptive (and proliferate) or maladaptive (and disappear), but when the sport first appears, it holds only its strangeness, orthogonal to any world of value.

In this respect Wolf has deeply internalized the experimental ethos. Typical composers employ trial and error as they search for some effect, while strict aleatoric composers, after Cage, perform trials and simply accept the effect. Wolf performs Cagean experiments, mostly in his head, with or without the aid of chance procedures, but in doing so nevertheless engages musical functionality though without making a fetish of it.

While Wolf's tendency towards small forms and quiescent gestures often tickles a listener's notions of the musically elegant, his mutated materials make for music that must fall just shy of received standards of elegance. Much of the power of his music derives from a tension that dwells in the negative space between the forms Wolf actually achieves and the engaged listener's induced desire for a perfectly elegant idealization.

Rather than a post-modernist's theatrical pastiche and cold irony, Wolf's detente with the great tradition has a tragic aspect. One might compare Wolf's engagement with the past to that of the uncompromising realist in literature, drama or the visual arts, one who takes on the practices of the great tradition but rejects the hegeemonic repression encoded in naive heroicism and idealization.

He has written extensively about modern and experimental music, systematic musicology, and speculative music theory. Extensive critical and theoretical writings on musical intonation and speculative music theory, especially the interaction between tuning systems and tonal musics, 20th century and American experimental music, ancient Greek and Hellenistic music, mannerism, Viennese classicism, Southeast Asian musics. Organology. Ethnomusicological fieldwork in central Mexico, Ireland, Suriname, central Java, Germany and southern California.

**Other Experience**

Member of the Gravity Resistors' Pension Fund Orchestra, 1980-present.

Editor, XENHARMONIKON (a journal of new music and intonation systems), 1985-89.

Curator, Folk Music Center Museum, Claremont (1979-89)

Music Curator, Real Art Ways, Hartford, CT (1985-86)


Research Assistant to Prof. John Hajdu (J.-B. Lully: Sacred Motets).

Teaching Assistant to Profs. Linda Burman-Hall (theory and musicianship), Neely Bruce (music history survey), and David McAllester (ethnomusicology).

Websites:


http://home.snafu.de/djwolf/vitae.htm#Vitae
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s *Establishment* as defined by DotMusic; (ii) the matching *Nexus* between the “music” Community and the “music” string (or top-level domain); and (iii) that DotMusic possesses documented *Support* from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

**SUMMARY**

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392)
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application Answer to Question 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community: The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector. “Music” is a regulated sector comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

DotMusic’s application follows unified principles that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination (See Application Answers to 18).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia. According to Wikipedia:\(^8\)

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Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.\(^9\)
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ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other

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10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
countries. This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”.

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

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13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role in promoting and supporting the arts and culture within their respective countries. By being a member of IFACCA, each national community can collaborate and share best practices, resources, and knowledge on a global scale. This有助于 the development of a unified and cohesive music community, allowing for the exchange of ideas and the promotion of artistic expression.

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20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See [http://www.oxforddictionaries.com/definition/english/mainly](http://www.oxforddictionaries.com/definition/english/mainly) and [http://www.merriam-webster.com/dictionary/mainly](http://www.merriam-webster.com/dictionary/mainly) respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at [http://music.us/supporters](http://music.us/supporters) and [https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392](https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392)).
role with respect to music.\textsuperscript{21} IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\textsuperscript{22} The UNESCO strategic partnership\textsuperscript{23} is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\textsuperscript{24}

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.\textsuperscript{25}

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\textsuperscript{26} Other small government Ministries of Culture, such as Albania,\textsuperscript{27} or government

\textsuperscript{21} http://www.ifacca.org/membership/current_members/
\textsuperscript{22} http://www.ifacca.org/strategic_partners/
\textsuperscript{23} http://www.imc-cim.org/about-imc-separator/who-we-are.html
\textsuperscript{24} U.S Copyright Office, http://www.copyright.gov/carp/m200a.html
\textsuperscript{25} 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6),
Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

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27 http://www.culturalpolicies.net/down/albania_012011.pdf
33 http://www.pch.gc.ca/eng/1294862453819/1294862453821
• The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.

• The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”.

• The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.

• In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide” whose members – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member, represents “approximately 85% of all legitimate recorded music produced and sold in the United States,” the world’s largest music market with 30% global market share. Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

38 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
41 http://www.ifpi.org/about.php
42 http://www.ifpi.org/our-members.php
43 http://www.ifpi.org/national-groups.php
44 http://www.riaa.com/faq.php
45 http://www.statista.com/topics/1639/music/
Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues. The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes** – iTunes accounts for 63% of global digital music market - a majority – with a registered community of 800 million registered members available in 119 countries who abide to strict terms of service and boundaries and have downloaded over 25 billion songs from iTunes’ catalog of over 43 million songs covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.
- **Pandora** – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.
- **Spotify** – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.
- **Vevo** – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.

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46 http://a2im.org/about-joining/
47 http://a2im.org/groups/tag/associate+members/
48 http://a2im.org/groups/itunes
50 http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt
53 https://www.apple.com/itunes/features/
54 http://a2im.org/groups/pandora
56 http://a2im.org/groups/spotify
58 http://a2im.org/groups/vevo/
• **Youtube** – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube, of which 38.4% is music-related.

• **Reverbnation** is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG** – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport), China (China Audio Video Association) and Germany (Initiative Musik).

A2IM also has Affiliate associations within the global music community. These include Affiliates such as MusicFirst, the Copyright Alliance, the Worldwide Independent Network (WIN) and Merlin.

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

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62 [http://a2im.org/groups/youtube/](http://a2im.org/groups/youtube/)
65 [http://a2im.org/groups/reverb-nation/](http://a2im.org/groups/reverb-nation/)
66 [http://www.reverbnation.com/about](http://www.reverbnation.com/about)
67 [http://a2im.org/groups/bmg-rights/](http://a2im.org/groups/bmg-rights/)
69 [http://a2im.org/groups/french-music-export-office](http://a2im.org/groups/french-music-export-office)
70 [http://a2im.org/groups/china-audio-video-association-cava](http://a2im.org/groups/china-audio-video-association-cava)
71 [http://a2im.org/groups/initiative-musik-gmbh](http://a2im.org/groups/initiative-musik-gmbh)
72 [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
73 [http://musicfirstcoalition.org/coalition](http://musicfirstcoalition.org/coalition), The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
74 [http://www.copyrightalliance.org/members](http://www.copyrightalliance.org/members)
75 [http://www.winformusic.org](http://www.winformusic.org)
76 [http://www.merlinnetwork.org](http://www.merlinnetwork.org)
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” — a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

The International Music Products Association, NAMM, is another globally-recognized and relevant group of non-negligible size that has supported DotMusic. NAMM, formed in 1901, is mainly dedicated to the global music community by representing the international music products industry and community, with globally-recognized members and exhibitors that include Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica, AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanex, AVID, Casio, DW, Sabian, Pearl, Zildjian, Martin, Ludwig, Marshall and others. Every amateur and professional musician worldwide uses music products manufactured and distributed by NAMM’s members. Without these musical instruments and products, music as we know it today would not be created or produced. NAMM and its trade shows power the $17 billion global music products industry serving as a hub for the global music community wanting to seek out the newest innovations in musical products, recording technology, sound and lighting. NAMM’s mission is “to strengthen

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the music products industry and promote the pleasures and benefits of making music.” NAMM also hosts the NAMM Show, the world's largest event for the music products industry.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community. Community members may register a .MUSIC by either:

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83 https://www.namm.org/about
85 http://music.us/supporters
86 See http://music.us/nexus
1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

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87 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Signature:

Name: Dr. David Michael Ramirez II

Title: Ph.D.

Organization: Independent Researcher
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

**SUMMARY**

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392)
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;
2. The organized and delineated logical alliance of communities exists; and
3. The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See [http://music.us/establishment](http://music.us/establishment)
According to Wikipedia:  

"Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial." 

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.  

The Berne Convention for the Protection of Literary and Artistic Works provides that each of the 168 contracting parties (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries. This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”.

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.  

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.


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

iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”)\(^{19}\): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.\(^{20}\) IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\(^{21}\) The UNESCO strategic partnership\(^{22}\) is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\(^{23}\)

\(^{20}\) [http://www.ifacca.org/membership/current_members/](http://www.ifacca.org/membership/current_members/)
\(^{21}\) [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
\(^{22}\) [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
\(^{23}\) [http://www.imc-cim.org/about-imc-separator/who-we-are.html](http://www.imc-cim.org/about-imc-separator/who-we-are.html)
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.\textsuperscript{24}

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\textsuperscript{25} Other small government Ministries of Culture, such as Albania,\textsuperscript{26} or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,\textsuperscript{27} all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.\textsuperscript{28}

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).\textsuperscript{29}
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

\begin{itemize}
\item U.S Copyright Office, \url{http://www.copyright.gov/carp/m200a.html}
\item 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (\url{http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf}). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
\item \url{http://www.culturalpolicies.net/down/albania_012011.pdf}
\item 2010-11 Annual Report from India Ministry of Culture, \url{http://www.indiaculture.nic.in/hindi/pdf/Culture-AnRe-2010-2011(Eng).pdf}
\item \url{http://my.midem.com/en/contact-us/pavilion-representatives/}
\item 2011 Annual Report from New Zealand Ministry of Culture: \url{http://www.mch.govt.nz/files/Annual%20report%202011%202012%20pdf%20version%20(D-0448383).PDF}
\end{itemize}
organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.  

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.
- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.
- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”
- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.
- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

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35 NEA Strategic Plan 2012-2016, [www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf](http://www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf)
37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, [http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download](http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download), Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes** – iTunes accounts for 63% of global digital music market - a majority - with a registered community of 800 million registered members available in 119 countries who abide to strict terms of service and boundaries and have downloaded over 25 billion songs from iTunes’ catalog of over 43 million songs covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.

- **Pandora** – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.

- **Spotify** – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.

- **Vevo** – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.
• **Youtube** – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube, of which 38.4% is music-related.

• **Reverbnation** is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG** – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport), China (China Audio Video Association) and Germany (Initiative Musik).

A2IM also has Affiliate associations within the global music community. These include Affiliates such as MusicFirst, the Copyright Alliance, the Worldwide Independent Network (WIN) and Merlin.

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

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55 [http://a2im.org/groups/youtube/](http://a2im.org/groups/youtube/)
58 [http://a2im.org/groups/reverb-nation/](http://a2im.org/groups/reverb-nation/)
59 [http://www.reverbnation.com/about](http://www.reverbnation.com/about)
60 [http://a2im.org/groups/bmg-rights/](http://a2im.org/groups/bmg-rights/)
62 [http://a2im.org/groups/french-music-export-office](http://a2im.org/groups/french-music-export-office)
63 [http://a2im.org/groups/china-audio-video-association-cava](http://a2im.org/groups/china-audio-video-association-cava)
64 [http://a2im.org/groups/initiative-musik-gmbh](http://a2im.org/groups/initiative-musik-gmbh)
65 [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
66 [http://musicfirstcoalition.org/coalition](http://musicfirstcoalition.org/coalition), The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
67 [http://www.copyrightalliance.org/members](http://www.copyrightalliance.org/members)
68 [http://www.winformusic.org](http://www.winformusic.org)
69 [http://www.merlinnetwork.org](http://www.merlinnetwork.org)
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” – a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

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74 http://music.us/supporters
According to the Applicant Guidebook ("AGB"), to receive the maximum score for Nexus, the applied-for string -- "music" -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the "Music Community" entirely matches the applied-for "music" string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization ("MCMO"); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: "the strictly delineated and organized logical alliance of communities of similar nature related to music."

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the "music" sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries

See http://music.us/nexus
and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the *nexus* of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates *uniqueness* because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the *nexus* of the Community and the string is *not* regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would *not* constitute a qualifying Community membership and would be *ineligible* for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would *not* function as it does today without the participation of all music constituent types which cumulatively *match* the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Deborah L. Vietze, Ph.D.

Name: Deborah L. Vietze, Ph.D.

Title: Professor of Psychology

Organization: City University of New York, New York City
Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (ii) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (iii) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.2

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support3 from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

2 http://music.us/supporters
3 http://music.us/supporters
A) **Music Community Definition, Establishment & Community Endorsement**

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application Answer to Question 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) **An Organized, Cohesive, Interdependent Logically-Allied Community:**

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector. “Music” is a regulated sector comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

DotMusic’s application follows unified principles that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination (See Application Answers to 18).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;

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4 See [http://music.us/establishment](http://music.us/establishment)
(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

According to Wikipedia:\(^8\)

> *Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.*\(^9\)
ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other

10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
countries. This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

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15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See [http://isrc.ifpi.org](http://isrc.ifpi.org), [https://www.usisrc.org/about/index.html](https://www.usisrc.org/about/index.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=23401](http://www.iso.org/iso/catalogue_detail?csnumber=23401)
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See [http://www.isni.org/](http://www.isni.org/) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)
Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

### iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”)

> “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal

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20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See <http://www.oxforddictionaries.com/definition/english/mainly> and <http://www.merriam-webster.com/dictionary/mainly> respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at <http://music.us/supporters> and <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392>.)
role with respect to music. IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania, or government

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21 http://www.ifacca.org/membership/current_members/  
22 http://www.ifacca.org/strategic_partners/  
23 http://www.ifacca.org/strategic_partners/  
24 http://www.imc-cim.org/about-imc-separator/who-we-are.html  
26 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6),
Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)

http://www.culturalpolicies.net/down/albania_012011.pdf
33 http://www.pch.gc.ca/eng/1294862453819/1294862453821
• The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.

• The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”.

• The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.

• In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide” whose members – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member, represents “approximately 85% of all legitimate recorded music produced and sold in the United States,” the world’s largest music market with 30% global market share. Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

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38 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
41 http://www.ifpi.org/about.php
42 http://www.ifpi.org/our-members.php
43 http://www.ifpi.org/national-groups.php
44 http://www.riaa.com/faq.php
45 http://www.statista.com/topics/1639/music/
Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.46

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**48 – iTunes accounts for 63% of global digital music market49 - a majority – with a registered community of 800 million registered members50 available in 119 countries who abide to strict terms of service and boundaries51 and have downloaded over 25 billion songs52 from iTunes’ catalog of over 43 million songs53 covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.54

- **Pandora**55 – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.56

- **Spotify**57 – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.58

- **Vevo**59 – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.60

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46 [http://a2im.org/about-joining/](http://a2im.org/about-joining/)
47 [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
48 [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)
54 [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)
56 [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)
57 [https://a2im.org/groups/vevo/](https://a2im.org/groups/vevo/)
• **Youtube** – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube, of which 38.4% is music-related.

• **Reverbnation** is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG** – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport), China (China Audio Video Association) and Germany (Initiative Musik). A2IM also has Affiliates associations within the global music community. These include Affiliates such as MusicFirst, the Copyright Alliance, the Worldwide Independent Network (WIN) and Merlin.

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

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62 [http://a2im.org/groups/youtube/](http://a2im.org/groups/youtube/)
65 [http://a2im.org/groups/reverb-nation/](http://a2im.org/groups/reverb-nation/)
66 [http://www.reverbnation.com/about](http://www.reverbnation.com/about)
67 [http://a2im.org/groups/bmg-rights/](http://a2im.org/groups/bmg-rights/)
69 [http://a2im.org/groups/french-music-export-office](http://a2im.org/groups/french-music-export-office)
70 [http://a2im.org/groups/china-audio-video-association-cava](http://a2im.org/groups/china-audio-video-association-cava)
71 [http://a2im.org/groups/initiative-musik-gmbh](http://a2im.org/groups/initiative-musik-gmbh)
72 [http://a2im.org/groups/tag/associate-members/](http://a2im.org/groups/tag/associate-members/)
73 [http://musicfirstcoalition.org/coalition](http://musicfirstcoalition.org/coalition)
74 [http://www.copyrightalliance.org/members](http://www.copyrightalliance.org/members)
75 [http://www.winformusic.org](http://www.winformusic.org)
76 [http://www.merlinnetwork.org](http://www.merlinnetwork.org)
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music”77 – a majority of global music.78

Another letter79 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

The International Music Products Association, NAMM, is another globally-recognized and relevant group of non-negligible size that has supported DotMusic.80 NAMM, formed in 1901, is mainly dedicated to the global music community by representing the international music products industry and community, with globally-recognized members and exhibitors that include Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica, AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanex, AVID, Casio, DW, Sabian, Pearl, Zildjian, Martin, Ludwig, Marshall and others.81 82 Every amateur and professional musician worldwide uses music products manufactured and distributed by NAMM’s members. Without these musical instruments and products, music as we know it today would not be created or produced. NAMM and its trade shows power the $17 billion global music products industry serving as a hub for the global music community wanting to seek out the newest innovations in musical products, recording technology, sound and lighting. NAMM’s mission is “to strengthen

81 https://www.namm.org/files/showdir/ExhibitorList WN15.xls
82 http://www.musictrades.com/global.html
the music products industry and promote the pleasures and benefits of making music.” NAMM also hosts the NAMM Show, the world's largest event for the music products industry.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

**B) Nexus**

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community. Community members may register a .MUSIC by either:

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83 [https://www.namm.org/about](https://www.namm.org/about)
85 [http://music.us/supporters](http://music.us/supporters)
86 See [http://music.us/nexus](http://music.us/nexus)
1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

87 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Signature: [Signature]

Name: Dimitrios Vatakis PhD

Title: Assistant Professor

Organization: David Geffen School, UCLA
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.⁵

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

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² http://music.us/supporters
³ http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.5

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary6) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries7).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
According to Wikipedia: 

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.\textsuperscript{10}

The Berne Convention for the Protection of Literary and Artistic Works\textsuperscript{11} provides that each of the 168 contracting parties\textsuperscript{12} (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.\textsuperscript{13} This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

\begin{footnotesize}
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  \item[\textsuperscript{10}] http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
  \item[\textsuperscript{11}] http://www.wipo.int/treaties/en/text.jsp?file_id=283698
  \item[\textsuperscript{12}] http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
  \item[\textsuperscript{13}] http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
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communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

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14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/
iii) International Federations and Organizations **mainly** Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”)\(^{19}\): “**With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.”** (AGB, 4-12). The community as defined in the DotMusic application has at least one entity **mainly**\(^{20}\) dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the **only** international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the **only** international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.\(^{21}\) IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. **considerable** size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and

\(^{20}\) Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See [http://www.oxforddictionaries.com/definition/english/mainly](http://www.oxforddictionaries.com/definition/english/mainly) and [http://www.merriam-webster.com/dictionary/mainly](http://www.merriam-webster.com/dictionary/mainly) respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)).  
\(^{21}\) [http://www.ifacca.org/membership/current_members/](http://www.ifacca.org/membership/current_members/)
influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania, or government Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.
Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).[^30]
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.[^31]
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66).[^32] The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.[^33]
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.[^34]
- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception[^35] and has a strong focus on music as outlined in its Strategic Plan[^36] with Congress requested to provide $154,465,000 for fiscal year 2014.[^37]
- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”[^38]

[^36]: NEA Strategic Plan 2012-2016, [www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf](http://www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf)
[^38]: 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, [http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download](http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download), Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
• The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.\(^{39}\)

• In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.\(^{40}\)

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\(^{41}\)

The reach of A2IM Associate\(^{42}\) membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

• **Apple iTunes**\(^{43}\) – iTunes accounts for 63% of global digital music market\(^{44}\) - a majority – with a registered community of 800 million registered members\(^{45}\) available in 119 countries who abide to strict terms of service and boundaries\(^{46}\) and have downloaded over 25 billion songs\(^{47}\) from iTunes’ catalog of over 43 million songs\(^{48}\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^{49}\)

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41 [http://a2im.org/about-joining/](http://a2im.org/about-joining/)

42 [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)

43 [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)


- **Pandora**[^50] – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.[^51]

- **Spotify**[^52] – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.[^53]

- **Vevo**[^54] – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.[^55]

- **Youtube**[^56] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,[^57] of which 38.4% is music-related.[^58]

- **Reverbnation**[^59] – Reverbnation[^60] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

- **BMG**[^61] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^62]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^63]), China (China Audio Video Association[^64]) and Germany (Initiative Musik).[^65]

A2IM also has Affiliate associations within the global music community. These include Affiliates such as MusicFirst,[^67] the Copyright Alliance,[^68] the Worldwide Independent Network (WIN)[^69] and Merlin.[^70]

[^50]: http://a2im.org/groups/pandora
[^52]: http://a2im.org/groups/spotify
[^54]: http://a2im.org/groups/vevo/
[^55]: http://www.vevo.com/c/EN/US/about
[^56]: http://a2im.org/groups/youtube/
[^57]: https://www.youtube.com/yt/press/statistics.html
[^58]: http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and
[^59]: http://a2im.org/groups/reverb-nation/
[^60]: http://a2im.org/groups/bmg-rights/
[^61]: http://www.bmg.com/category/about-us/history/
[^62]: http://a2im.org/groups/french-music-export-office
[^63]: http://a2im.org/groups/china-audio-video-association-cava
[^64]: http://a2im.org/groups/initiative-musik-gmbh
[^65]: http://a2im.org/groups/tag/associate-members/
[^66]: http://musicfirstcoalition.org/coalition, The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
[^67]: http://www.copyrightalliance.org/members
[^68]: http://www.winformusic.org
A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide” whose members – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member, represents “approximately 85% of all legitimate recorded music produced and sold in the United States,” the world’s largest music market with 30% global market share. Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” – a majority of global music.

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70 http://www.merlinnetwork.org
72 http://www.ifpi.org/about.php
73 http://www.ifpi.org/our-members.php
74 http://www.ifpi.org/national-groups.php
75 http://www.riaa.com/faq.php
76 http://www.statista.com/topics/1639/music/
Another letter\textsuperscript{79} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally.\textsuperscript{80} Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support\textsuperscript{81} from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

\textit{B) Nexus}\textsuperscript{82}

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music

\textsuperscript{81} See http://music.us/supporters
\textsuperscript{82} See http://music.us/nexus
entities to be included as part of the Community. Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as

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83 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

Dr. D. Constantinou

Signature:

Name: Dr. Dimitris Constantinou

Title: Entrepreneur

Organization: Easy Group LLC
Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (ii) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (iii) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application Answer to Question 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector. “Music” is a regulated sector comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

DotMusic’s application follows unified principles that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination (See Application Answers to 18).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

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4 See [http://music.us/establishment](http://music.us/establishment)
(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

According to Wikipedia: 

*Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.*

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ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other

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10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
countries. This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”.

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

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15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See [http://isrc.ifpi.org](http://isrc.ifpi.org), [https://www.usisrc.org/about/index.html](https://www.usisrc.org/about/index.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=23401](http://www.iso.org/iso/catalogue_detail?csnumber=23401)
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See [http://www.isni.org/](http://www.isni.org/) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)
Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”):

“With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal

20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See http://www.oxforddictionaries.com/definition/english/mainly and http://www.merriam-webster.com/dictionary/mainly respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at http://music.us/supporters and https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392).
role with respect to music.\textsuperscript{21} IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\textsuperscript{22} The UNESCO strategic partnership\textsuperscript{23} is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\textsuperscript{24}

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.\textsuperscript{25}

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\textsuperscript{26} Other small government Ministries of Culture, such as Albania,\textsuperscript{27} or government

\textsuperscript{21} http://www.ifacca.org/membership/current_members/
\textsuperscript{22} http://www.ifacca.org/strategic_partners/
\textsuperscript{23} http://www.ifacca.org/strategic_partners/
\textsuperscript{24} http://www.imc-cim.org/about-imc-separator/who-we-are.html
\textsuperscript{25} U.S Copyright Office, http://www.copyright.gov/carp/m200a.html
\textsuperscript{26} 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf), Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6),
Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

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27 http://www.culturalpolicies.net/down/albania_012011.pdf
33 http://www.pch.gc.ca/eng/1294862453819/1294862453821
The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception\(^{35}\) and has a strong focus on music as outlined in its Strategic Plan\(^{36}\) with Congress requested to provide $154,465,000 for fiscal year 2014.\(^{37}\)

The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”\(^{38}\)

The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.\(^{39}\)

In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.\(^{40}\)

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide”\(^{41}\) whose members\(^{42}\) – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member,\(^{43}\) represents “approximately 85% of all legitimate recorded music produced and sold in the United States,”\(^{44}\) the world’s largest music market with 30% global market share.\(^{45}\)

Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

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\(^{36}\) NEA Strategic Plan 2012-2016, \[www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf\]

\(^{37}\) \[http://www.ifacca.org/national_agency_news/2013/04/10/us-president-requests-154465000-neh-2014/\]

\(^{38}\) 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, \[http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download\], Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)

\(^{39}\) Singapore Arts Council, \[http://www.nac.gov.sg/media-centre/news-releases/news-detail?id=c2db15e2-c319-40ec-939c-d58735d0a91c\]


\(^{41}\) \[http://www.ifpi.org/about.php\]

\(^{42}\) \[http://www.ifpi.org/our-members.php\]

\(^{43}\) \[http://www.ifpi.org/national-groups.php\]

\(^{44}\) \[http://www.riaa.com/faq.php\]

\(^{45}\) \[http://www.statista.com/topics/1639/music/\]
Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.46

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**48 – iTunes accounts for 63% of global digital music market49 - a majority – with a registered community of 800 million registered members50 available in 119 countries who abide to strict terms of service and boundaries51 and have downloaded over 25 billion songs52 from iTunes’ catalog of over 43 million songs53 covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.54

- **Pandora**55 – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.56

- **Spotify**57 – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.58

- **Vevo**59 – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.60

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46 [http://a2im.org/about-joining/](http://a2im.org/about-joining/)
47 [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
48 [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)
54 [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)
56 [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)
58 [http://a2im.org/groups/vevo](http://a2im.org/groups/vevo)
• **Youtube** – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube, of which 38.4% is music-related.

• **Reverbnation** – Reverbnation is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG** – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport), China (China Audio Video Association) and Germany (Initiative Musik).

A2IM also has Affiliate associations within the global music community. These include Affiliates such as MusicFirst, the Copyright Alliance, the Worldwide Independent Network (WIN) and Merlin.

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

61 http://www.vevo.com/c/EN/US/about
62 http://a2im.org/groups/youtube/
63 https://www.youtube.com/yt/press/statistics html
64 http://a2im.org/groups/reverb-nation/
65 http://www.reverbnation.com/about
66 http://a2im.org/groups/bmg-rights/
67 http://www.bmg.com/category/about-us/history/
68 http://a2im.org/groups/french-music-export-office
69 http://a2im.org/groups/china-audio-video-association-cava
70 http://a2im.org/groups/initiative-musik-gmbh
71 http://a2im.org/groups/tag/associate+members/
72 http://musicfirstcoalition.org/coalition
73 http://www.copyrightalliance.org/members
74 http://www.winformusic.org
75 http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” — a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

The International Music Products Association, NAMM, is another globally-recognized and relevant group of non-negligible size that has supported DotMusic. NAMM, formed in 1901, is mainly dedicated to the global music community by representing the international music products industry and community, with globally-recognized members and exhibitors that include Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica, AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanez, AVID, Casio, DW, Sabian, Pearl, Zildjian, Martin, Ludwig, Marshall and others. Every amateur and professional musician worldwide uses music products manufactured and distributed by NAMM’s members. Without these musical instruments and products, music as we know it today would not be created or produced. NAMM and its trade shows power the $17 billion global music products industry serving as a hub for the global music community wanting to seek out the newest innovations in musical products, recording technology, sound and lighting. NAMM’s mission is “to strengthen

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81 https://www.namm.org/files/showdir/ExhibitorList_WN15.xls
82 http://www.musictrades.com/global.html
the music products industry and promote the pleasures and benefits of making music.” NAMM also hosts the NAMM Show, the world's largest event for the music products industry.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community. Community members may register a .MUSIC by either:

83 https://www.namm.org/about
85 http://music.us/supporters
86 See http://music.us/nexus
1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

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87 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Signature: [Signature]

Name: Dr. Eric W. Vogt

Title: Professor

Organization: Seattle Pacific University
Dr. Eric William Vogt

Date of hire: September, 2001. Hired at Associate rank (six years at rank)

Education

1988 University of Missouri, PhD, Romance Languages (Golden Age Spanish literature, Baroque Art and Latin)
1983 University of Missouri, MA, Spanish Literature (with specialization in Literary Translation)
1977 University of Hawaii, BA, Spanish
1973 Punahou Academy, Honolulu, Hawaii

Certifications

1993 American Translators Association, Certified technical translator, English-to-Spanish
1991 *Diploma del Español como Lengua Extranjera*, Nivel Superior

Academic Employment

2008-present Full Professor of Spanish, Seattle Pacific University, Seattle, Washington
2001-2008 Associate Professor of Spanish, Medieval, Renaissance and Golden Age Literature, Seattle
   Pacific University, Seattle, Washington
1996-2001 Assistant Professor of Spanish, Thunderbird, The American Graduate School of International
   Management, Glendale, Arizona
1995-1996 Visiting Assistant Professor, University of North Dakota, Grand Forks, North Dakota
   Virginia (part-time volunteer, mentor)
1989-1993 Assistant Professor of Spanish, Howard University, Washington, DC
1981-1988 Graduate Teaching Assistant, University of Missouri, Columbia, Missouri
1987-1988 Lecturer, Stephens College, Columbia, Missouri

Teaching Experience & Curricular Design (SPU & elsewhere)

Spanish/English Subject Matter Expert (SME) with TST™ for Training, Testing & Certification of Analytic
Linguists, to be employed in Investigative Surveillance Operations: monitoring, transcription and
translation of oral intercepted communications. (Being reviewed by the Council on Standards
Development, of the International Association for Continuing Education and Training, for accreditation at
the Master's degree level). Includes, among providing niche-specific skills, linguistic analysis of nearly 24
subdialects of New World Spanish (morphological, syntactical, phonological and lexical) as training for
recognition purposes.

All levels of language (SPN 1101-1103, 2000-level and various 3000-level courses)
Spanish for Special Purposes: Nursing and International Business Communication.
Golden Age and Medieval Age Spanish literature courses (SPN 3105 & 3106)
Latin American Literature Capstone: *Cien años de soledad* and other themes (SPN 4899)
Translation (EUR 4254). Principles and Practices; workshop format.
UCOR 1000: General Education course involving Art History.

Publications: Books, Print and Online

South, 2nd Edition, 2015. Expanded and updated select bibliography, additional introductory section,
updated preface.
La fábula de Polifemo y Galatea, by Góngora y Argote, Luis. Original calligraphy; online edition, with notes, sound files, art; grammar and other exercises, a guide for teachers and students of language and literature, and links to related sites. With technical collaboration of, and scholarly input from, Fred Jehle, Purdue University, Lafayette, IN, 1997, at: www.ipfw.edu/cm1/jehle/web/poesía/polifemo.htm
Ni callarlo ni decirlo, by Hurtado de Mendoza, Don Antonio. Critical edition. Ciudad Juárez: Universidad Autónoma de Ciudad Juárez, 1992 (invited to submit proposal by UACJ’s board; only author granted a sole volume in this Mexican, four-volume series celebrating the “Quincenntial of the Encounter of Two Worlds”). This scholarly work involved a complete reworking of the thesis and was done in Spanish.

Publications: Articles, Print and Online

"Hablemos de modelos sociales.", Online, in Especiales > Comentarios (i.e., "op-ed"), Radio Habana Cuba (RHC), official radio station, founded April 16, 1961 as the official radio voice of the Partido Comunista de Cuba. Reviewed by Pedro Otero, Station editor-in-chief and uploaded February 20, 2015.*
}* refereed

Publications: Reviews

*The Journal of Language for International Business, 8, 2, 1997 (invited).*

**Publications: Creative Writing**


*Refereed*

**Papers and Presentations**

“Ruins as Metaphors of Time: Christian Neo-Stoicism in Sonnets by Quevedo, Góngora and Du Bellay”, NACFLA annual meeting held at Point Loma Nazarene, March, 2009.
“Wesley’s Sephardic ‘Portion’: Psalm 63”, NACFLA annual meeting held at Trinity Christian College, April 2005.*
“The Vanitas Theme: Teaching for Devotion, Using Golden Age Spanish Sonnets and Scripture-Inspired Art.” NACFLA annual meeting held at Azusa Pacific University, April 2003.
“Translation: The Lifeline of Technology Transfer.” AATSP annual meeting, Denver, CO, August 2, 1999.*
“Now we see through a glass, darkly’: Translating the Mystical Poetry of St Teresa of Avila,” Linguistic Circle of Manitoba & North Dakota annual meeting, Minot, North Dakota, 1995.*
“El papel de las Estefanías en La discreta enamorada de Lope de Vega,” *Golden Age Spanish Drama Symposium annual meeting, El Paso, Texas, 1984.*

* Refereed

**Professional Conferences Attended**

2009 The Spanish Subjunctive: A Truly Classical Approach, Reborn.” Washington Association of Foreign Language Teachers (WAFLT), Oct. 8-10, Spokane, WA.

**Other Scholarly Activity**

2009 Selected by the Editorial Board of *Presses Universitaires Internationales* to be a Series Editor for Spanish Studies.
2003 Refereed article for *Esoterica*, Michigan State University’s online peer-reviewed journal.
2003 Provided expertise regarding an article by Kenneth Kinkor, director of the *Expedition Whydah Sea-Lab & Learning Center* (Provincetown, MA), whose explorations and discoveries of pirate wrecks have been featured on *Discovery Channel* and in *National Geographic* (May, 1988).
1994 Graduate level seminar on Technical Writing and Translation for corporate and federal organizations, George Washington University, Washington, DC.

**Service: University (SPU & elsewhere)**

2015 - present Serving on Faculty Affairs Council, Seattle Pacific University
2003-2010 Provided access to scholarhip funds to SPU students, resulting in tens-of-thousands of dollars of financial aid (not loans - gifts) over those years.
2006-2009 Served on Faculty Status Committee, Seattle Pacific University
2006 Helped secure a $5,000 annual Fellowship for the Graduate Program in Organizational Psychology, Seattle Pacific University. Discontinued after 2010.
2005 Presented “Anecdotes About and (Mis) Adventures in Apprenticeship from the Middle Ages Through Colonial America” at the Alumni retreat at Camp Casey.
2005 Served as committee member for doctoral dissertation, “Time Perspective, Acculturation, and Psychological Well-being in Mexican Americans,” Heather Romero, School of Psychology, Family & Community, Seattle Pacific University
2005 Mentored male student as part of Campus Ministries program.
2005 Faculty sponsor of Spanish Club.
2005 Organized, in collaboration with Dr. Patrick McDonald, *The Second Annual Medieval Studies Symposium of the Puget Sound Roundtable*, held in January, 2004 at Seattle Pacific University, adding Cappella Romana to the list of events for an evening concert at First Free Methodist Church.
2004 Panel member in discussion of Dan Brown’s *The Da Vinci Code*, at Seattle Pacific University, with Drs. Rob Wall, Alberto Ferreiro and Randy Maddox.
2003-2006 Elected to three-year term on the Undergraduate Policies and Evaluation Committee (UPEC), Seattle Pacific University.
2003 Guest lecture about the Crusades and the Military-Religious Orders in Doug Durasoff’s Christianity and World Politics class.
2002-2007 Humanities Award Coordinator, Seattle Pacific University
2002-2010 Regularly assisted in Premiere, now Early Registration, for incoming students.
2002-2005 Participated in one interview committee for faculty candidate and regularly for Pre-med students.
2002 Led devotional for faculty senate and presented at Faculty Retreat.
2000-2001 Web designer for Thunderbird Language Institute
1999-2000 Faculty Senator-at-Large, AGSIM.
1997-2001 Advisor, instructor, Tai Chi Club, AGSIM.
1996-1997  Member, Career Services Internship, Scholarship, Curricular Initiative Committees, AGSIM.
1997  Director of Spanish Language Program, AGSIM Guadalajara Program in Jalisco, Mexico.

**Service: Departmental**

2015  Working with Dr. Robert Baah on proposal for an M.A. in Spanish Literature program.
2015  Working with Dr. Robert Baah to create course, Spanish for Medical Professionals.
2003-2010  Coordinated Oral Proficiency Interviews with the American Council of Teachers of Foreign Languages.
2001-2010  Participated in European Symposia.
2004  Assisted in revision of Placement Exam, Seattle Pacific University
1998  Coordinator, Level III Language classes, AGSIM.
1990-1991  Director, Undergraduate Language Courses, Howard University (HU), responsible also for design of Advanced Placement Spanish courses for high schools and honors program for college junior and seniors majoring in Romance Languages.
1990-1991  Chairman or Member: Undergraduate Studies, Curricular Development, Study Abroad, and Library Acquisitions committees, HU.
1985  Assisted course directors with administrative details of Romance Languages courses, University of Missouri-Columbia Summer School.

**Service: Extra-Institutional**

2010 - present  Content Matter Expert (SME) for ProTrans, a private company specializing in elite translation and translation training for public and private sector. Accredited in 2015 by IACET (International Association for Continuing Education and Training).
2009  Editorial consultant in an ITT bid to supply COMINT expertise and support to a Latin American country.
2006  Panel member in discussion of Dan Brown’s *The Da Vinci Code*, at Bellevue Presbyterian Church.
2003  Served as consultant to State of Washington Professional Educator Standards Board regarding ETS test for Spanish teachers, recommended by Frank Kline, School of Education, Seattle Pacific University.
2001-2006  Member, Editorial Board of *The Journal of Language for International Business* (JOLIB), published by The American Graduate School of International Business (Thunderbird), Glendale, AZ.
1999  Served on Board of Reviewers for New Visions in Foreign Language Resource Center, Iowa State University, Ames, Iowa.
1998  Executive Board Member, the Arizona Language Association. Represented Maricopa County.
1991-2  Designed, taught courses for medical, fire and rescue, police and others, Howard University adult programs.

**Community Involvement**

2013  Joined St. Anne Parish, Queen Anne, to endeavor to prepare daughter for First Communion. Also attend other parishes in region (Spanish-speaking).
2001-2012  Fundraising for Queen Anne Help Line, help supply balls for local youth sports teams.
1993  Guest lecturer, Gonzaga High School, Washington, D.C., on Dante Alighieri and Petrarch.
1993  Special Olympics, Washington, DC. Donated time to the event and private Spanish lessons

**Professional Affiliations -- Current**

1993-Present  American Translators Association (Active Associate Member).
Honors, Awards and Distinctions


1994  Named by Elizabeth Dole as one of the Top Ten Employees in the Nation, The American National Red Cross, National Headquarters, Washington, DC - for development and administration of Blood Services in-house translation operations.

1986  Eta Sigma Phi, National Classical Honor Society

1982  Chancellor’s Award for Excellence In Teaching, University of Missouri-Columbia

1976  Sigma Delta Pi, National Spanish Honor Society. University of Hawai‘i-Manoa; President of Beta Chapter, University of Missouri-Columbia, 1984-1986
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application¹ for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

¹ https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.2

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support3 from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

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2 http://music.us/supporters
3 http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.\(^5\)

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary\(^6\)) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries\(^7\)).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;
2. The organized and delineated logical alliance of communities exists; and
3. The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

\(^4\) See [http://music.us/establishment](http://music.us/establishment)
According to Wikipedia:\(^8\)

_Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.\(^9\)

**ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:**

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.13 This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

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10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

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14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”)\(^{19}\): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of…a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.\(^{20}\) IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\(^{21}\) The UNESCO strategic partnership\(^{22}\) is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\(^{23}\)

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\(^{20}\) [http://www.ifacca.org/membership/current_members/](http://www.ifacca.org/membership/current_members/)

\(^{21}\) [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)

\(^{22}\) [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)

\(^{23}\) [http://www.imc-cim.org/about-imc-separator/who-we-are.html](http://www.imc-cim.org/about-imc-separator/who-we-are.html)
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.24

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.25 Other small government Ministries of Culture, such as Albania,26 or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,27 all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.28

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).29
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

25 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
26 http://www.culturalpolicies.net/down/albania_012011.pdf
organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.  

- **Canada Council for the Arts** is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.  
- **The United Kingdom Department for Culture and Education (DfE)** will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.  
- **The United States National Endowment of the Arts** has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its **Strategic Plan** with Congress requested to provide $154,465,000 for fiscal year 2014.  
- **The National Arts Council of South Africa** invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”  
- **The Singapore Arts Council** will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.  
- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

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35 NEA Strategic Plan 2012-2016, [www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf](http://www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf)  
37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, [http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download](http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download), Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)  
Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues. \(^{40}\)

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**\(^{42}\) – iTunes accounts for 63% of global digital music market\(^{43}\) - a majority – with a registered community of 800 million registered members\(^{44}\) available in 119 countries who abide to strict terms of service and boundaries\(^{45}\) and have downloaded over 25 billion songs\(^{46}\) from iTunes’ catalog of over 43 million songs\(^{47}\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^{48}\)

- **Pandora**\(^{49}\) – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.\(^{50}\)

- **Spotify**\(^{51}\) – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.\(^{52}\)

- **Vevo**\(^{53}\) – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.\(^{54}\)

\(^{40}\) [http://a2im.org/about-joining/](http://a2im.org/about-joining/)

\(^{41}\) [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)

\(^{42}\) [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)


\(^{49}\) [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)

\(^{50}\) [http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/](http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/) and [http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ950SUQMTkxN1TfENoaWxkSUQ9LT8VHlwZT0z&t=1](http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ950SUQMTkxN1TfENoaWxkSUQ9LT8VHlwZT0z&t=1), Pg.9

\(^{51}\) [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)


\(^{53}\) [http://a2im.org/groups/vevo](http://a2im.org/groups/vevo)
• Youtube\textsuperscript{55} – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,\textsuperscript{56} of which 38.4\% is music-related.\textsuperscript{57}

• Reverbnation\textsuperscript{58} – Reverbnation\textsuperscript{59} is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• BMG\textsuperscript{60} – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.\textsuperscript{61}

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport\textsuperscript{62}), China (China Audio Video Association\textsuperscript{63}) and Germany (Initiative Musik).\textsuperscript{64} A2IM also has Affiliate\textsuperscript{65} associations within the global music community. These include Affiliates such as MusicFirst,\textsuperscript{66} the Copyright Alliance,\textsuperscript{67} the Worldwide Independent Network (WIN)\textsuperscript{68} and Merlin.\textsuperscript{69}

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.\textsuperscript{70} The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99\% of music actors in Europe which are micro, small and medium sized enterprises.

\textsuperscript{54} http://www.vevo.com/c/EN/US/about
\textsuperscript{55} http://a2im.org/groups/youtube/
\textsuperscript{56} https://www.youtube.com/yt/press/statistics.html
\textsuperscript{57} http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and
\textsuperscript{58} http://a2im.org/groups/reverb-nation/
\textsuperscript{59} http://www.reverbnation.com/about
\textsuperscript{60} http://a2im.org/groups/bmg-rights/
\textsuperscript{61} http://www.bmg.com/category/about-us/history/
\textsuperscript{62} http://a2im.org/groups/french-music-export-office
\textsuperscript{63} http://a2im.org/groups/china-audio-video-association-cava
\textsuperscript{64} http://a2im.org/groups/initiative-musik-gmbh
\textsuperscript{65} http://a2im.org/groups/tag/associate-members/
\textsuperscript{66} http://musicfirstcoalition.org/coalition, The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
\textsuperscript{67} http://www.copyrightalliance.org/members
\textsuperscript{68} http://www.winformusic.org
\textsuperscript{69} http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” – a majority of global music.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community.

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73 http://music.us/supporters
74 See http://music.us/nexus
defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization ("MCMO"); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential
relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

Graham Sewell

Signature:  

Name:  Graham Sewell  

Title:  Professor  

Organization:  University of Melbourne  

Date:  21 April 2015
About Dr. Graham Sewell

Professor in the Department of Management and Marketing

Melbourne University

PH.D from the University of Wales

Research Interests

- Business agility
- Business ethics
- Evolutionary psychology
- Organisation & management theory
- Qualitative research methods
- Strategy development processes
- Teamwork
- Workplace surveillance

Professional Memberships

Academy of Management

Publications

Journal Articles


Sewell G, Barker JRB. (2001) "Neither good, nor bad, but dangerous: Surveillance as an ethical


**Chapters**


Website(s)

http://findanexpert.unimelb.edu.au/display/person2287
http://fbe.unimelb.edu.au/managementmarketing/staff/academic/579
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

**SUMMARY**

DotMusic has established the following:

1) Its Community definition recognizes the **cohesive, symbiotic and overlapping nature of the global Music Community**. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392)
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
A) *Music Community Definition, Establishment & Community Endorsement*

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) *An Organized, Cohesive, Interdependent Logically-Allied Community:*

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.\(^5\)

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary\(^6\)) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries\(^7\)).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;
2. The organized and delineated logical alliance of communities exists; and
3. The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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\(^4\) See [http://music.us/establishment](http://music.us/establishment)


According to Wikipedia:\(^8\)

*Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants… and non-commercial participants… and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”… UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music… The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values… Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions… subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.\(^9\)*

**ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:**

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.13 This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

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10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”. Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”)

19: “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.20 IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.21 The UNESCO strategic partnership22 is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.23

20 http://www.ifacca.org/membership/current_members/
21 http://www.ifacca.org/strategic_partners/
22 http://www.ifacca.org/strategic_partners/
23 http://www.imc-cim.org/about-imc-separator/who-we-are.html
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.\textsuperscript{24}

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\textsuperscript{25} Other small government Ministries of Culture, such as Albania,\textsuperscript{26} or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,\textsuperscript{27} all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.\textsuperscript{28}

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).\textsuperscript{29}
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

\begin{itemize}
  \item U.S Copyright Office, \url{http://www.copyright.gov/carp/m200a.html}
  \item 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” \url{http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf}. Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1\textsuperscript{st} Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
  \item \url{http://www.culturalpolicies.net/down/albania_012011.pdf}
  \item 2010-11 Annual Report from India Ministry of Culture, \url{http://www.indiaculture nic.in/hindi/pdf/Culture-AnRe-2010-2011(Eng).pdf}
  \item \url{http://my.midem.com/en/contact-us/pavilion-representatives/}
  \item 2011 Annual Report from New Zealand Ministry of Culture: \url{http://www.mch.govt.nz/files/Annual%20report%202011%20version%2020(D-0448383).PDF}
\end{itemize}
organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs. 

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.
- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.
- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”.
- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.
- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

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32 http://www.pch.gc.ca/eng/1294862453819/1294862453821
37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.40

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**42 – iTunes accounts for 63% of global digital music market43 - a majority – with a registered community of 800 million registered members44 available in 119 countries who abide to strict terms of service and boundaries45 and have downloaded over 25 billion songs46 from iTunes’ catalog of over 43 million songs47 covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.48
- **Pandora**49 – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.50
- **Spotify**51 – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.52
- **Vevo**53 – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.54

40 http://a2im.org/about-joining/
41 http://a2im.org/groups/tag/associate+members/
42 http://a2im.org/groups/itunes
44 http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt
47 https://www.apple.com/itunes/features/
49 http://a2im.org/groups/pandora
51 http://a2im.org/groups/spotify
52 https://press.spotify.com/us/information/
53 http://a2im.org/groups/vevo/
• **Youtube**[^55] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube[^56], of which 38.4% is music-related[^57].

• **Reverbnation**[^58] – Reverbnation[^59] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**[^60] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^61]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^62]), China (China Audio Video Association[^63]) and Germany (Initiative Musik).[^64] A2IM also has Affiliate[^65] associations within the global music community. These include Affiliates such as MusicFirst,[^66] the Copyright Alliance,[^67] the Worldwide Independent Network (WIN)[^68] and Merlin.[^69]

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.[^70] The A2IM Coalition includes Merlin, a global rights agency for the **independent label sector**, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

[^54]: http://www.vevo.com/c/EN/US/about
[^55]: http://a2im.org/groups/youtube/
[^56]: https://www.youtube.com/yt/press/statistics.html
[^57]: http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and
[^58]: http://a2im.org/groups/reverb-nation/
[^59]: http://www.reverbnation.com/about
[^60]: http://a2im.org/groups/bmg-rights/
[^61]: http://www.bmg.com/category/about-us/history/
[^62]: http://a2im.org/groups/french-music-export-office
[^63]: http://a2im.org/groups/china-audio-video-association-cava
[^64]: http://a2im.org/groups/initiative-musik-gmbh
[^65]: http://a2im.org/groups/tag/associate+members/
[^66]: http://musicfirstcoalition.org/coalition
[^67]: http://www.copyrightalliance.org/members
[^68]: http://www.winformmusic.org
[^69]: http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” — a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

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74 [http://music.us/supporters](http://music.us/supporters)
According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries

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75 See http://music.us/nexus
and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the **nexus** of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates **uniqueness** because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the **nexus** of the Community and the string is **not** regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would **not** constitute a qualifying Community membership and would be **ineligible** for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would **not** function as it does today without the participation of all music constituent types which cumulatively **match** the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for **Nexus**.

Respectfully Submitted,

Signature: Jeremy Silver

Name: Jeremy Silver

Title: Dr

Organization: Mediaclarity Digital Limited
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application¹ for .MUSIC (Application ID 1-1115-14110)

To ICANN and the Economist Intelligence Unit (“EIU”): Please accept this letter as an indication of my professional opinion that there is compelling evidence for DotMusic’s application to convincingly meet the full criteria under Community Priority Evaluation on the following points: (1) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing the global Music Community addressed and defined.

Please also find below the analysis of the DotMusic application pertaining to the Community Priority Evaluation criteria, and on which my assessment is based. The analysis is consistent with key findings in my research field of organization studies that focus specifically on matters relating to community (see for example: Glynn, 2008; Marquis, Glynn & Davis, 2007; Marquis, Lounsbury & Grenwood, 2011; Schneiberg & Lounsbury, 2008; Thornton, Ocasio & Lounsbury, 2012). My credentials are attached below this analysis to identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

¹https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide;

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of

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7 http://music.us/supporters
a closely united Community definition that is "organized" and "delineated" -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing this Community.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the "Music" string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application's global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that "Music" would not function as it does today without the participation of all music constituent types that interconnect to match the "music" string with the "music" Community definition.

ASSESSMENT OF COMMUNITY DEFINITION, ESTABLISHMENT AND NEXUS

A) Music Community Definition, Establishment & Community Endorsement

DotMusic's definition of the "Music Community" as a "strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music" (See Application, 20a) is factually accurate and representative of the "Music Community." Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:
The "Music Community" definition covers the regulated, interdependent and cohesive nature of the music sector

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8 http://music.us/supporters
9 See http://music.us/establishment
that exists today. "Music Community" members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each "organized community of similar nature that relates to music" that comprises the "Music Community." Without such cohesiveness and interdependency, the defined "Music" Community matching the applied-for string ("Music") would not be able to function in its regulated sector, a "Music" regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.10

As a result, the Music Community as defined is "closely united" (As per the definition of "cohesion" according to Merriam-Webster dictionary11) or "united or form a whole" (As per the definition of the word "cohesion" according to Oxford Dictionaries12). The "Music Community" as defined (a "strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music") establishes that:

(1) There is an awareness and recognition among its members;
(2) The organized and delineated logical alliance of communities exists; and
(3) The Community is "closely united" and "interdependent" (i.e. Each "organized community of similar nature that relates to music" which is part of the "logical alliance of communities that relate to music" is not mutually exclusive).

In short, the applied-for string ("Music") matches the name of the "Music" Community as defined by DotMusic's application. DotMusic's "Music Community" definition accurately represents the common definition of the "Music Community," which is confirmed by Wikipedia. According to Wikipedia:13

11 http://www.merriam-webster.com/dictionary/cohesion
12 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an "ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music"...UNESCO identifies the music community as a "community of identity" implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.\footnote{Music Community. In Wikipedia. Retrieved March 23, 2015, from \url{https://en.wikipedia.org/wiki/Music_community}}

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:
DotMusic's definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to

\footnote{conducted in partnership with Oxford University (See \url{http://blog.wikimedia.org/2012/08/02/seven-years-after-nature-pilot-study-compares-wikipedia-favorably-to-other-encyclopedias-in-three-languages}).}
demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community's geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a). According to DotMusic, "registrants will be verified using Community-organized, unified "criteria taken from holistic perspective with due regard of Community particularities" that "invoke a formal membership (Application Answer to Question 20a)." The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string "music" and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the "music" string).

DotMusic's Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the "Music Community" as defined implies "more of cohesion than a mere commonality of interest" with an "awareness and recognition of a community among its members." Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members' rights with relation to their copyrighted music works around the world.¹⁵

The Berne Convention for the Protection of Literary and Artistic Works¹⁶ provides that each of the 168 contracting

¹⁵ http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
parties (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries. This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”.

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to

17 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
18 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
19 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
20 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org and https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
21 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO
Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain's registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN "to provide accurate WHOIS contact data" or else their domain "registration may be suspended or even cancelled".

Without such Music Community "cohesion" and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes "music" as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN's Applicant Guidebook ("AGB"):
"With respect to "Delineation" and "Extension," it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such,
provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.25 IFACCA's members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.26 The UNESCO strategic partnership27 is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million

25 http://www.ifacca.org/membership/current_members/
26 http://www.ifacca.org/strategic_partners/
27 http://www.ifacca.org/strategic_partners/
music constituents from over 150 countries and over 1000 organizations globally.\(^{28}\)

Government activities in the clearly delineated and organized "Music Community" include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.\(^{29}\)

Ministries of culture and arts councils (that comprise IFACCA's membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA's membership support the "performing arts" and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\(^{30}\) Other small government Ministries of Culture, such as Albania,\(^{31}\) or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,\(^{32}\) all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded

\(^{28}\) http://www.imc-cim.org/about-imc-separator/who-we-are.html

\(^{29}\) U.S Copyright Office, http://www.copyright.gov/carp/m200a.html

\(^{30}\) 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 "Music" (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)

\(^{31}\) http://www.culturalpolicies.net/down/albania_012011.pdf

country-based pavilion initiatives at Midem, the world’s largest music conference.³³

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).³⁴
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.³⁵
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66).³⁶ The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.³⁷
- The United Kingdom Department for Culture and Education (DiE) will fund music education at

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³⁷ http://www.pch.gc.ca/eng/1294862453819/1294862453821
significant levels: £7.7 million, £6.5 million and £6.0 million will be available in the three years from April 2012.\textsuperscript{38}

- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception\textsuperscript{39} and has a strong focus on music as outlined in its Strategic Plan\textsuperscript{40} with Congress requested to provide $154,465,000 for fiscal year 2014.\textsuperscript{41}

- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the "Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa"\textsuperscript{42}

- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siang Leng Musical Association.\textsuperscript{43}

- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.\textsuperscript{44}

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.


\textsuperscript{40} NEA Strategic Plan 2012-2016, www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf

\textsuperscript{41} http://www.ifafrica.org/national_agency_news/2013/04/10/us-president-requests-154465000-neh-2014/

\textsuperscript{42} 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)

\textsuperscript{43} Singapore Arts Council, http://www.nac.gov.sg/media-centre/news-releases/news-detail?id=c2db15e2-c319-40ec-939c-d58735d0a91c

\textsuperscript{44} http://www.taiteenkeskustojomikunto.fi/documents/10162/31704/IT+tielait+otiedote+1+12+.pdf, Page 1 and Page 23
Another clear example of an "entity dedicated to the community" with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S. Independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues. The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM's total membership "geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes** – iTunes accounts for 63% of global digital music market - a majority – with a registered community of 800 million registered members available in 119 countries who abide to strict terms of service and boundaries and have downloaded over 25 billion songs from iTunes' catalog of over 43 million songs covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.

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45 http://a2im.org/about-joining/
46 http://a2im.org/groups/tag/associate+members/
47 http://a2im.org/groups/itunes
49 http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt
52 https://www.apple.com/itunes/features/
- **Pandora**[^54] – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.[^55]

- **Spotify**[^56] – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.[^57]

- **Vevo**[^58] – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.[^59]

- **Youtube**[^60] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,[^61] of which 38.4% is music-related.[^62]

- **ReverbNation**[^63] – ReverbNation[^64] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The ReverbNation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

[^54]: http://a2im.org/groups/pandora
[^56]: http://a2im.org/groups/spotify
[^57]: https://press.spotify.com/us/information/
[^58]: http://a2im.org/groups/vevo/
[^59]: http://www.vevo.com/c/EN/US/about
[^60]: http://a2im.org/groups/youtube/
[^61]: https://www.youtube.com/yt/press/statistics.html
[^63]: http://a2im.org/groups/reverb-nation/
[^64]: http://www.reverbnation.com/about
• BMG\textsuperscript{65} – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.\textsuperscript{66}

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (Bureau Export \textsuperscript{67}), China (China Audio Video Association \textsuperscript{68}) and Germany (Initiative Musik).\textsuperscript{69} A2IM also has Affiliate\textsuperscript{70} associations within the global music community. These include Affiliates such as MusicFirst,\textsuperscript{71} the Copyright Alliance,\textsuperscript{72} the Worldwide Independent Network (WIN)\textsuperscript{73} and Merlin.\textsuperscript{74}

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.\textsuperscript{75} The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

\textsuperscript{65} \url{http://a2im.org/groups/bmg-rights/}
\textsuperscript{66} \url{http://www.bmg.com/category/about-us/history/}
\textsuperscript{67} \url{http://a2im.org/groups/french-music-export-office}
\textsuperscript{68} \url{http://a2im.org/groups/china-audio-video-association-cava}
\textsuperscript{69} \url{http://a2im.org/groups/initiative-musik-gmbh}
\textsuperscript{70} \url{http://a2im.org/groups/tag/associate+members/}
\textsuperscript{71} \url{http://musicfirstcoalition.org/coalition, The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.}
\textsuperscript{72} \url{http://www.copyrightalliance.org/members}
\textsuperscript{73} \url{http://www.winformusic.org}
\textsuperscript{74} \url{http://www.merlinnetwork.org}
Cumulatively, A2IM's Label and Associate Membership, A2IM's Affiliates and the A2IM's Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA "on behalf of over 15 national and international trade associations" also expressed its support for .MUSIC to be under a "community" application model, including encouraging statements in support of DotMusic's policies that stated that the coalition "was encouraged to see" that DotMusic "included several measures to deter and address copyright infringement within that TLD." The "coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world's music" — a majority of global music.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music — as commonly-known by the general public and experienced today — would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

78 http://music.us/supporters
B) Nexus

According to the Applicant Guidebook ("AGB"), to receive the maximum score for Nexus, the applied-for string -- "music" -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the "Music Community" entirely matches the applied-for "music" string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization ("MCMO"); or
2) Identifying the community they belong to, which is consistent with the definition of the Community: "the strictly delineated and organized logical alliance of communities of similar nature related to music."

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated entities not associated with the string. This way there is a clear match and alignment between the "music" string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community's definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic's definition of the Community and

79 See http://music.us/nexus
mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic's community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic's application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined "music" Community and applied-for "music" string would not constitute a qualifying Community membership and would be ineligible for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfils the criteria for Nexus.

Respectfully Submitted,

Signature: [Signature]

Date & Place: Melbourne, April 20th, 2015
Relevant expertise for .MUSIC

I have written a peer-reviewed publications as well as a PhD on the workings of the popular music industry, focusing on how value is created, attributed and appropriated. My research has been used to examine (potential) forms of market abuse in the field of popular music. Funded by the US Social Science Research Council, I have teamed up with advocacy groups such as the Future of Music Coalition in an attempt to devise a research instrument that could help curb corruption in the music industry by identifying distinct diffusion patterns that indicated bribery (together with my colleagues Gabriel Rossman at UCLA and Ming Ming Chiu at Perdue University). This study appeared in Sociological Methodology. In another instance, UC Berkeley Professor David Teece, the pioneering scholar behind the influential Dynamic Capabilities Approach, used my study as an expert account on the functioning of the music industry in the ground-breaking trial on copyright and the Internet (among the litigants were Napster, MTV, Apple, RIAA, Yahoo!, Sony, AOL, and others). This trial redefined the regulation of online markets and the boundaries of copyright. This study that appeared in the Journal of Management Studies.


I am currently researching the history of electronic music on grant that I received from Konrad Boehmer, former Chairman of BUMA/STEMRA, the Dutch music copyright association.

I have convened numerous academic workshops and colloquia on the workings of markets at the major international conferences in the field of management and organization studies.
Abridged Resume - Joeri Merijn Mol

Academic Qualifications

2006  Ph.D. in Management Science, Groningen University, the Netherlands.
      ’Non-Random Exchange; Value, Uncertainty and Strategy in the Market for Popular Music’
      1st prize in ’Best PhD-Paper Competition’, SOM Research School, Groningen University

1999-2001 Postgraduate Academic Exchange Program, Hitotsubashi University, Tokyo

1998  MSc. in Economics (with Distinction), Erasmus University, the Netherlands

Academic Affiliations

2012-present  Senior Lecturer, Department of Management, University of Melbourne

2005-2012  Lecturer, Department of Management, University of Melbourne

2005-present  Visiting Scholar, Department of Management, Groningen University

2005  Visiting Scholar, Sol. C. Snider Entrepreneurial Research Center, the Wharton School

2003  Visiting Scholar, Institute of Innovation Research, Hitotsubashi University

2001-2005  Sessional Lecturer, Department of Management, Groningen University

1999-2001  Visiting Researcher, Institute of Innovation Research, Hitotsubashi University

Professional Leadership

2013-present  Co-director, Centre for the study of Organization Society and Markets (COSM)


2013-present  Editorial Board, Organization Studies (Financial Times 45 Journal)

2011-present  Editorial Board, European Management Review

2011-present  Steering Committee, Charisma (http://www.charisma-network.net)

2013. Convenor, Track “Cultural Economies and Economic Cultures in the Organization of Markets”, European Group for Organization Studies (EGOS) held in Montreal, July 2013, in collaboration with Liz McFall (Open U) and Steven Kahl (U Chicago)


2011. Convenor, Track “Constructing Categories: Meaning and Framing in Organizational Fields”, European Group for Organization Studies (EGOS) held in Gothenburg, July 2011, in collaboration with Peer Fiss (UC Davis) and Mark Kennedy (UC Davis)

2010. Chair, Understanding Interorganizational Learning, OMT-Division Session, Academy of Management (AOM), Atlanta.

2009. Convenor, Track "From Market to Industry Categories: The Institutionalization of Competitive Arenas", European Group for Organization Studies (EGOS), Barcelona, July 2009, in collaboration with Hans Pennings (Wharton) and Filippo Wezel (Lugano)

2008. Convenor, Track “Classifying Organizational Variation”, European Group for Organization Studies (EGOS) Amsterdam, July 2008, in collaboration with Hans Pennings (Wharton) and Filippo Wezel (Lugano)


2006. Chair, Understanding What Makes Organizations Legitimate, OMT-Division Session, Academy of Management (AOM), Atlanta.
Publications

Peer-Reviewed Publications


Book

Book Chapters


Case Studies


Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

1 https://www.icann.org/applicant-status/applicant-status-00202
3) The "Music Community" functions in a regulated sector with global copyright protections – it is clear that the "community," as defined, implies "more of cohesion than a mere commonality of interest" with an "awareness and recognition of a community among its members." Several international treaties mandate a globally-recognized set of standards for the protection of the "Music Community" member rights with relation to their copyrighted music works around the world;

4) The "Music" Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.\(^2\)

5) The Nexus of the "music" Community matches the "music" applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The "Music Community" definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is "organized" and "delineated" -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support\(^3\) from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the "Music" string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that

\(^2\) [http://music.as/supporters](http://music.as/supporters)

\(^3\) [http://music.as/supporters](http://music.as/supporters)
(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

According to Wikipedia:  

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.  

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

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DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members' rights with relation to their copyrighted music works around the world.\(^\text{10}\)

The Berne Convention for the Protection of Literary and Artistic Works\(^\text{11}\) provides that each of the 168 contracting parties\(^\text{12}\) (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.\(^\text{13}\) This means that if a Music Community member’s copyright rights are violated in

\(^\text{10}\) [http://www.rightsdirect.com/content/id/en/toolkit/copyright_education/International_Copyright_Basics.html](http://www.rightsdirect.com/content/id/en/toolkit/copyright_education/International_Copyright_Basics.html)


“Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

ASSESSMENT OF COMMUNITY DEFINITION, ESTABLISHMENT AND NEXUS

A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.5

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary6) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries7).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

(2) The organized and delineated logical alliance of communities exists; and

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4 See http://music.us-establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISN. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their

14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn.international.org/whatis.html and http://www.ismn.org/iso_home/store/catalogue_ies/catalogue_details.htm?esnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.isisc.org/about/index.html and http://www.isrc.org.iso_catalogue_detail?esnumber=33491
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org and http://www.isoc.org.iso_catalogue_detail?esnumber=34130
IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the "IMC") in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

Government activities in the clearly delineated and organized "Music Community" include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.

Ministries of culture and arts councils (that comprise IFACCA's membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA's membership support the "performing arts" and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania, or government Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world's largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries' and arts councils' substantial connection to and support of "music" is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA's

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21 http://www.ifacca.org/strategic_partners
22 http://www.ifacca.org/strategic_partners
23 http://www.imc-gwm.org/about-imc-gwm/who-we-are.html
25 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 "Music" (http://www.mpc.gcy.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the RE:AL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000). 29
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs. 30
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 67). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund. 31
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012. 32
- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception 33 and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014. 34
- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa” 35
- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association. 36

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29 2011 Annual Report from New Zealand Ministry of Culture:
30 2011 Annual Report for the Australia Council for the Arts,
32 2012 Annual Report for Canada Council for the Arts 15.4883.951-1
35 Department for Culture, The Importance of Music, A National Plan for Music Education,
36 2011 Annual report for the National Endowment of the Arts, http://www.nea.gov/about/11Annual_2011-NFNA-
   Annual-Report.pdf, Page 2
39 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa,
   http://www.nac.org.za/media/publications_AR2010-11%20NAC_PDF download. Page 11. Also Minno, the South
   African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects.
   Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music
   educational and R299,600 to exchange projects (Page 10)
music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”)\(^9\): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of... a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.\(^{20}\) IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs.


\(^{20}\) http://www.ifacca.org/membership/current_members
In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.\(^{39}\)

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\(^{40}\)

The reach of A2IM Associate\(^{41}\) membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**\(^{42}\) - iTunes accounts for 63% of global digital music market\(^{43}\) - a majority – with a registered community of 800 million registered members\(^{44}\) available in 119 countries who abide to strict terms of service and boundaries\(^{45}\) and have downloaded over 25 billion songs\(^{46}\) from iTunes' catalog of over 43 million songs\(^{47}\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^{48}\)

- **Pandora**\(^{49}\) - Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.\(^{50}\)

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40 [http://a2im.org/about-joining](http://a2im.org/about-joining)

41 [http://a2im.org/groups/associate-members](http://a2im.org/groups/associate-members)

42 [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)


49 [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)
A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.\textsuperscript{70} The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99\% of music actors in Europe which are micro, small and medium sized enterprises.

Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80\% of the world’s music”\textsuperscript{71} – a majority of global music.\textsuperscript{72}

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support\textsuperscript{73} from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.


\textsuperscript{71} https://www.icann.org/en/system/files/correspondence/cian-to-icann-15mar15-en.pdf, Pg. 1

\textsuperscript{72} https://www.icann.org/en/system/files/correspondence/cian-to-icann-15mar15-en.pdf, Pg 3, Appendix A

\textsuperscript{73} http: music.us/sponsors
- **Spotify**[^51] – Spotify is the world's largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.^[52]

- **Vevo**[^53] – Vevo is the world's leading all-premium music video community and platform with over 8 billion monthly views globally.^[54]

- **Youtube**[^55] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,^[56] of which 38.4% is music-related.^[57]

- **ReverbNation**[^58] – ReverbNation[^59] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The ReverbNation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

- **BMG**[^60] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.^[61]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (Bureau Export[^62]), China (China Audio Video Association[^63]) and Germany (Initiative Musik).[^64] A2IM also has Affiliate[^65] associations within the global music community. These include Affiliates such as MusicFirst,[^66] the Copyright Alliance,[^67] the Worldwide Independent Network (WIN)^[68] and Merlin.^[69]

[^52]: http://a2im.org/groupsspotify
[^54]: http://a2im.org/groupsvevo
[^56]: http://a2im.org/groupsyoutube
[^57]: https://www.youtube.com/t/press/statistics.html
[^58]: http://a2im.org/groupsreverb-nation
[^59]: http://www.reverbnation.com/about
[^60]: http://a2im.org/groupsbmrg-rights
[^61]: http://www.bmg.com/category/about-us/history
[^62]: http://a2im.org/groupsfrench-music-export-office
[^63]: http://a2im.org/groupschina-audio-video-association-cava
[^64]: http://a2im.org/groupsinitiative-musik
[^65]: http://a2im.org/groupsa2i-member
[^66]: http://musicfirstcoalition.org/coalition, The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
[^67]: http://www.copyrighthalliance.orgmembers
[^68]: http://www.winfornmusic.org
[^69]: http://www.merlinnetwork.org
B) Nexus

According to the Applicant Guidebook ("AGB"), to receive the maximum score for Nexus, the applied-for string -- "music" -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the "Music Community" entirely matches the applied-for "music" string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-targential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entries to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization ("MCMO"); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: "the strictly delineated and organized logical alliance of communities of similar nature related to music."

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the "music" string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community's definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic's definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries

74 See http://music.us/nexus
and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

Signature: [Signature]

Date: April 14, 2015

Name: John Snyder

Title: Chair, Department of Music Industry Studies

Organization: Loyola University New Orleans

About the Expert: See attached CV and Biography
John Snyder

John Snyder grew up playing piano and trumpet and attended the University of North Carolina at Greensboro on several music scholarships. In college he booked his band on a Caribbean, North Atlantic, European, North African tour one summer and a tour of Japan, Taiwan, the Philippines, and the Pacific Islands the next.

As a music and video producer Snyder has produced hundreds of recordings and CD reissues and compilations. Recordings he has produced have received 32 Grammy nominations and 5 Grammys. In addition, Snyder has held positions at the upper levels of many major recording companies. As the assistant to the president of CTI Records, Creed Taylor, Snyder oversaw legal and business affairs, publishing, manufacturing, distribution, and artists and repertoire operations.

Under the tutelage of Herb Alpert, he served as director of Horizon Jazz Series for A&M Records. Snyder later served as director of jazz production for Atlantic Records under the guidance of Ahmet and Nesuhi Ertegun; his responsibilities included production, manufacturing, promotion, publicity, and marketing. Snyder opened his own record company, Artists House, in 1977, releasing recordings by Ornette Coleman, Gil Evans, Chet Baker, Andrew Hill, Thad Jones & Mel Lewis, and Paul Desmond, among others.

Snyder has degrees in music education and law from the University of North Carolina, and is currently a member of the New York Bar. As a member of the New York Chapter of The National Academy of Recording Arts and Sciences (NARAS), he served on the Board of Governors, the Education Committee, the Jazz Committee, and the Grammy in the Schools Committee, among others.

As an artist manager, Snyder managed Chet Baker, Gerry Mulligan, Jim Hall, Gil Evans, Ornette Coleman, and Art Pepper, among others. As a music producer Snyder produced records with Etta James, Dave Brubeck, Count Basie Orchestra, George Shearing, Sun Ra, Cecil Taylor, Gerry Mulligan, Chet Baker, Dizzy Gillespie, Art Blakey, Derck Trucks, Mavis Staples, James Cotton, Junior Wells, the Muddy Waters Band, Charles Brown, Honeyboy Edwards, Robert Lockwood, Jr., and Gatemouth Brown, among others. He also recorded Eric Clapton, Paul Simon, Shirley Caesar, Buddy Guy, Santana, Bonnie Raitt, Bobby Womack, Dr. John, Wynona Judd, Stevie Wonder, Gregg Allman, and Isaac Hayes.

Snyder has been on the faculty of the Loyola University New Orleans College of Music and Fine Arts faculty since 2004 where he is the Conrad N. Hilton Eminent Scholar in Music Industry Studies and Chair of the Department of Music Industry Studies. He is also Project Director for the Center of Music and Arts Entrepreneurship (www.cmace.org) and co-founder of the artist health and wellness initiative, Athletes and the Arts (www.athletesandshearts.com).

Snyder is also President of Artists House Foundation (http://www.artistshousemusic.org) that was funded by Herb Alpert (1.6 million dollars) to help musicians and music entrepreneurs create sustainable careers.

Snyder was appointed to the New Mexico Music Commission, for which he wrote the enabling legislation, by Governor Bill Richardson and appointed to the Louisiana Music Commission by Governor Kathleen Blanco and Governor Bobby Jindal.
WORK EXPERIENCE

2004-2014 Loyola University, New Orleans, Louisiana
Conrad N. Hilton Eminent Scholar in Music Industry Studies

Professor, Chair of the Department of Music Industry Studies
Director of the Center for Music and Arts Entrepreneurship

• Responsible for 300 students and 15 faculty, including curriculum development, expanding production facilities, and expanding the nature and reach of the Department.

• Created student company program – The Entrepreneurial Unit (EU) Program (six student-run, for-profit companies).

• Administered several federal grants, supervised a staff of 5, supervised the expenditure of almost 1.5 million dollars to train students, create “content”, build websites, and broadcast programming (www.cfimae.org).

• Founded the campus-wide initiative, The Year of the Writer (www.yearofthewriter.com); published a book of faculty and student essays, “Secret Trespasses”.

• Founded the health and wellness national initiative, Athletes and the Arts and built a website for it (www.athletesandthearts) in conjunction with the Performing Arts Medical Association and the American College of Sports Medicine, among others. Conducted a pain/exercise survey for all instrumental students in the College of Music & Fine Arts, fall 2014.

• Responsible for the production and webcasting of various campus productions and events, including those from the Walker Percy Center for Writing and Publishing, The Center for the Study of New Orleans, and various concerts, operas and other productions from the College of Music and Fine Arts.

• Responsible for establishing a relationship between the College of Music and Fine Arts and the Louisiana State Museum, New Orleans in respect of internships and performance opportunities.

• Wrote and built a website to brand Loyola University (http://thecreativeuniversity.us/), summer 2013.

• Responsible for developing new, interdisciplinary degrees in Filmmaking and Popular and Commercial music (summer 2014) and for redeveloping the curriculum for Music Industry degrees (http://loyolamediaarts.info/).

• Responsible for building and producing the content for a new website for the Department of Film and Music Industry Studies (http://creativeprofessionals.org)
2002-2014 Artists House Foundation, New Orleans, Louisiana
President (501 (c) 3 educational foundation)

- Produced the NYU Jazz Master Class Series (Cecil Taylor, Barry Harris, Hank Jones, Clark Terry, Jimmy Heath, Percy Heath, Benny Golson, Teo Macero, Kenny Werner, Phil Woods, Toots Thielemans) – raised over $500,000 to do this. Produced a trumpet instructional DVD at Juilliard with Warren Vache, “The Art of the Trumpet”.

- Created the website www.artistshousemusic.org and produced thousands of hours of interview and seminar content concerning the business, legal, pedagogical and technological aspects of the music world. This site is visited by more than 50,000 people a month, has over 150,000 monthly viewers on its YouTube channel, and over 58,000 Twitter followers.

- Began the master class series, “Louisiana Masters” (Clarence “Gatemouth” Brown) at Loyola in 2005.

- CD and DVD Producer of legendary artists Gerry Mulligan, Bob Brookmeyer, among others.

- Built and wrote a free online course for musicians and music entrepreneurs (summer 2013); currently has over 3600 students (https://www.udemy.com/hundashbusiness/).

2001-2002 Fairfield University, Fairfield, Connecticut
Adjunct Instructor

- Taught a three hour, once a week course to over a hundred students, “The Music Business”.

2002-2003 University of North Carolina, Greensboro, North Carolina
Visiting Instructor

- Taught two courses: “Music Production” and “Careers in Music”

Independent Music Producer, Member of New York Bar


- Produced thirty-two Grammy nominated recordings, five of which won Grammys.

• Artist Management - Hiram Bullock, Gerry Mulligan, Jim Hall, Chet Baker.

• Publishing - President of Saben Music; managed Mulligan Publishing.

• NARAS Board of Governors, NYC Education Committee, NYU Grammy in the Schools Committee, Jazz Selection Committee.

• DVD Producer (Bobby Short, Etta James, Bob Brookmeyer, Warren Vache, Gerry Mulligan).

• Audio Book Producer for the John Templeton Foundation.

Director of Jazz Production

• Production/ Packaging - produced new recordings and reissues, including preparation of the 12 volume, "Atlantic Jazz": supervised all album packaging.

• Grammy nominee.

• Director of the Jazz Department - responsible for promotion, publicity, and marketing efforts; managed staff of four.

Owner/President

• Production/ Packaging - produced new recordings, supervised album packaging, developed label image.

• Grammy nominee, winner of various jazz polls, New York Art Directors Club winner.

• Sales/Marketing - established network of U.S. distributors and international licensees; direct-mail marketing.

• Artist Management - Gil Evans, Jim Hall, Art Pepper, Chet Baker, Ornette Coleman; produced tours of U.S., Europe, and Japan.

• Legal/Business Affairs - arranged for capitalization and international licensing agreements; managed staff of ten; NARAS Board of Governors.

Founder/Director of Horizon Jazz Series

• Production/ Packaging - produced new recordings, supervised album packaging, developed label image.

• Grammy nominee, Grammy winner, winner of various jazz polls, New York Art Directors Club winner.

• Legal/Business Affairs - responsible for contract negotiations, supervised international licensees for Horizon; managed staff of four.
*Assistant to President (Creed Taylor)*

- Artists and Repertoire - planned recording projects; co-produced concert tours of U.S. and Japan.

- Manufacturing/Distribution - supervised manufacturing operations; supplied product to U.S. distributors and international licensees.

- Publishing - administered publishing subsidiaries; editor, Don Sebesky's textbook "The Recording Arranger".

- Legal/Business Affairs - in-house counsel; managed all contract negotiations and recording commitments.

1963-1973  Professional Musician  
*Trumpet*

- Organized and led entertainment troupes for successful tours of the Caribbean, Newfoundland, Iceland, the United Kingdom, Europe, North Africa, Japan, Taiwan, the Philippines, Guam, Midway, Okinawa, Hawaii (during summers and holidays in college).

- Organized and managed band as college sophomore to play weekend engagements in the local area.

- Performed in touring shows, circuses, hockey games, night-club acts, churches, etc.

**EDUCATION**

1970-1973  University of North Carolina, School of Law, Chapel Hill  
*Juris Doctor*

1966-1970  University of North Carolina, School of Music, Greensboro  
*Bachelor of Music Education, Magna Cum Laude*

- Cone Music Scholarship, School of Music Scholarship, University Honors Scholarship.

- Member of School of Music Curriculum Committee (only student member).

- President of University Concert Band and Symphony Orchestra.

- Leader of music group, "The Eleventh Hour", including local tours, backing up national touring acts, and tours of Europe, Northern Africa, and the Far East during the summers while attending UNC-G.

**PRODUCTIONS**

1975-2014  See attached
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (ii) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (iii) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.2

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support3 from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

2 http://music.us/supporters
3 http://music.us/supporters
ASSESSMENT OF COMMUNITY DEFINITION, ESTABLISHMENT AND NEXUS

A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application Answer to Question 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector. “Music” is a regulated sector comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

DotMusic’s application follows unified principles that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination (See Application Answers to 18).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

According to Wikipedia,\(^8\)

> Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.\(^9\)

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ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.  

The Berne Convention for the Protection of Literary and Artistic Works provides that each of the 168 contracting parties (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other

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10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
countries. This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

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15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See [http://isrc.ifpi.org](http://isrc.ifpi.org), [https://www.usisrc.org/about/index.html](https://www.usisrc.org/about/index.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=23401](http://www.iso.org/iso/catalogue_detail?csnumber=23401)
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See [http://www.isni.org/](http://www.isni.org/) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)
Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal

20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See http://www.oxforddictionaries.com/definition/english/mainly and http://www.merriam-webster.com/dictionary/mainly respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392).
role with respect to music.\textsuperscript{21} IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\textsuperscript{22} The UNESCO strategic partnership\textsuperscript{23} is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\textsuperscript{24}

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.\textsuperscript{25}

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\textsuperscript{26} Other small government Ministries of Culture, such as Albania,\textsuperscript{27} or government...

\textsuperscript{21} http://www.ifacca.org/membership/current_members/
\textsuperscript{22} http://www.ifacca.org/strategic_partners/
\textsuperscript{23} http://www.ifacca.org/strategic_partners/
\textsuperscript{24} http://www.imc-cim.org/about-imc-separator/who-we-are.html
\textsuperscript{25} U.S Copyright Office, http://www.copyright.gov/carp/m200a.html
\textsuperscript{26} 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6),
Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).

- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.

- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

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27 http://www.culturalpolicies.net/down/albania_012011.pdf
33 http://www.pch.gc.ca/eng/1294862453819/1294862453821
• The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.37
• The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”38
• The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.39
• In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.40

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide” whose members – major and independent companies – represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member, represents “approximately 85% of all legitimate recorded music produced and sold in the United States,” the world’s largest music market with 30% global market share. Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

38 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
41 http://www.ifpi.org/about.php
42 http://www.ifpi.org/our-members.php
43 http://www.ifpi.org/national-groups.php
44 http://www.riaa.com/faq.php
45 http://www.statista.com/topics/1639/music/
Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.46

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**48 – iTunes accounts for 63% of global digital music market49 - a majority – with a registered community of 800 million registered members50 available in 119 countries who abide to strict terms of service and boundaries51 and have downloaded over 25 billion songs52 from iTunes’ catalog of over 43 million songs53 covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.54
- **Pandora**55 – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.56
- **Spotify**57 – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.58
- **Vevo**59 – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.60

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46 http://a2im.org/about-joining/
47 http://a2im.org/groups/tag/associate+members/
48 http://a2im.org/groups/itunes
50 http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt
53 https://www.apple.com/itunes/features/
54 https://press.spotify.com/us/information/
55 http://a2im.org/groups/pandora
56 http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/ and http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9MTQ1MTZ7TmFtZT0xOSZBZUh0cm9vdElfY2F0aW9uPQ%3d%3d
57 http://a2im.org/groups/spotify
58 http://a2im.org/groups/vevo/
- **Youtube**[^61] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube[^62], of which 38.4% is music-related[^63].

- **Reverbnation**[^64] – Reverbnation[^65] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

- **BMG**[^66] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^67]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^68]), China (China Audio Video Association[^69]) and Germany (Initiative Musik).[^70] A2IM also has Affiliate[^71] associations within the global music community. These include Affiliates such as MusicFirst[^72], the Copyright Alliance[^73], the Worldwide Independent Network (WIN)[^74], and Merlin[^75].

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.[^76] The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

[^61]: http://www.vevo.com/c/EN/US/about
[^62]: http://a2im.org/groups/youtube/
[^63]: https://www.youtube.com/yt/press/statistics.html
[^64]: http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and
[^65]: http://a2im.org/groups/reverb-nation/
[^66]: http://a2im.org/groups/bmg-rights/
[^67]: http://www.bmg.com/category/about-us/history/
[^68]: http://a2im.org/groups/french-music-export-office
[^69]: http://a2im.org/groups/china-audio-video-association-cava
[^70]: http://a2im.org/groups/initiative-musik-gmbh
[^71]: http://a2im.org/groups/tag/associate+members/
[^72]: http://musicfirstcoalition.org/coalition
[^73]: http://www.copyrightalliance.org/members
[^74]: http://www.winformusic.org
[^75]: http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” — a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support for the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

The International Music Products Association, NAMM, is another globally-recognized and relevant group of non-negligible size that has supported DotMusic. NAMM, formed in 1901, is mainly dedicated to the global music community by representing the international music products industry and community, with globally-recognized members and exhibitors that include Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica, AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanex, AVID, Casio, DW, Sabian, Pearl, Zildjian, Martin, Ludwig, Marshall and others. Every amateur and professional musician worldwide uses music products manufactured and distributed by NAMM’s members. Without these musical instruments and products, music as we know it today would not be created or produced. NAMM and its trade shows power the $17 billion global music products industry serving as a hub for the global music community wanting to seek out the newest innovations in musical products, recording technology, sound and lighting. NAMM’s mission is “to strengthen

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81 https://www.namm.org/files/showdir/ExhibitorList WN15.xls
82 http://www.musictrades.com/global.html
the music products industry and promote the pleasures and benefits of making music.” NAMM also hosts the NAMM Show, the world's largest event for the music products industry.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community. Community members may register a .MUSIC by either:

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83 https://www.namm.org/about
85 http://music.us/supporters
86 See http://music.us/nexus
1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

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87 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See [https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf](https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf) Pg.7)
In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

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Contact Information  
Redacted

**ACADEMIC BACKGROUND**

**2009**  
PhD in Computer Science and Digital Communication, Universitat Pompeu Fabra.  
European Doctorate. Title: "Voice Processing and Synthesis by Performance Sampling and Spectral Models". Supervisor: Dr. Xavier Serra.

**2002**  
Master in Computer Science and Digital Communication, Universitat Pompeu Fabra. Title: "Audio Time-Scale Modification in the Context of Professional Post-Production". Supervisor: Dr. Xavier Serra.

**1997**  
Telecommunication Engineering, Universitat Politècnica de Catalunya. Final Engineering Project: "Desenvolupament d’un entorn gràfic per a l’anàlisi, transformació i síntesi de sons mitjançant models espectrals", Supervisors: Dr. Climent Nadeu, Dr., Xavier Serra.

**1981-1997**  
Music studies in the Conservatorio Isaac Albéniz, Girona. Composition studies in Alois Haba School, Barcelona.

**PROFESSIONAL EXPERIENCE**

Since 1998  
Researcher and project manager in the Music Technology Group, Universitat Pompeu Fabra, Barcelona.

Since 2011  
Cofounder of Voctro Labs, S.L., Spin-Off of the Universitat Pompeu Fabra, Barcelona.

2010  
Visiting researcher, Centre for Interdisciplinary Research on Music Media and Technology (CIRMMT), McGill University, Montreal, Canada, from May to August, under the supervision of Dr. Catherine Guastavino.

2003  
Visiting researcher, Royal Institute of Technology (KTH), Stockholm, from June to August, funded by MOSART EU project IST-215244, under the supervision of Dr. Johan Sundberg.

2001  
Software License Agreement of a polyphonic audio time-scaling software to the Universitat Pompeu Fabra, with the obligation to sublicense it to Yamaha Corporation.

**TEACHING EXPERIENCE**

2010-2011  
Universitat Pompeu Fabra, Department of Information and Communication Technologies, Associated Professor, Digital Speech Processing course, Audiovisual Systems Engineering.

2011  
Teacher of the program Introduction to research: Estades d’Estiu de Ciència, Science for young people (Joves i Ciència) E2C3, Caixa Catalunya.

2009  
Positive evaluation as a PhD Professor (Professor Lector), Agency for the Quality of the University System in Catalonia (AQU).

2009  
Teacher of the program Introduction to research: Estades d’Estiu de Ciència, Science for young people (Joves i Ciència) E2C3, Caixa Catalunya.

1999-2001  
Universitat Pompeu Fabra, Department of Information and Communication Technologies, Associated Professor, Audio Signal Processing course, Computer Science Engineering.

1996-1998  
Secondary education teacher at the Escola de Formació Professional d’Imatge i So, Barcelona.

**PhD Thesis Supervised**


**PhD Thesis under Supervision**


**Final Project and Master Thesis Supervised**


**Member of the following PhD Juries**


**GRANTS AND PRIZES**

- June 2013 National Commendation for Invention award given by the Japan Institute of Invention and Innovation (JIII) for the invention of original and natural singing voice synthesis technology disclosed in the patent No.4153220.
- Sept. 2012 Premi del Consell social de la Universitat Pompeu Fabra a la transferència del Coneixement. Prize awarded by the Social Council of the Universitat Pompeu Fabra to the excellent track-record in technology transfer.
- April 2011 Prize awarded by the Centre International de Negocis de Catalunya (CINC) to the Voctrò Labs Spin-Off Company Initiative.
Sept. 2010  *Premi del Consell social de la Universitat Pompeu Fabra a la transferència del Coneixement.* Prize awarded by the Social Council of the Universitat Pompeu Fabra in the category of PhD thesis with big knowledge transfer potential.

June 2007  Rosina Ribalta Prize, by EPSON Foundation, to the best PhD Project on Information Technology and Communications. The EPSON foundation awards the quality and methodology of the projects, their social and scientific interest and the merits of the candidate.

5-8/2003  Research grant at Royal Institute of Technology (KTH), granted by MOSART EU Project, IST-215244.

1997-1998  Student grant for the project "Audio Morphing", granted by Duy SA.

### FINANCED PROJECTS

<table>
<thead>
<tr>
<th>DATES</th>
<th>TITLE AND ROLE IN THE PROJECT</th>
<th>FINANCING ENTITY</th>
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<tbody>
<tr>
<td>4/2010-9/2012</td>
<td><em>Monet</em> Researcher and team manager</td>
<td>Yamaha Corp, Japan</td>
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<tr>
<td>4/2009-3/2010</td>
<td><em>MinusOne</em> Researcher and team manager</td>
<td>Yamaha Corp, Japan</td>
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<td>01/2008-12/2010</td>
<td><em>SAME (Sound And Music For Everyone Everyday Everywhere Everyway)</em> IST-FP7-ICT-39221 Research and development</td>
<td>European Commission</td>
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<td>01/2008-12/2010</td>
<td><em>SALERO (Semantic Audiovisual Entertainment Reusable Objects)</em> IST-FP6-027122 Research and development</td>
<td>European Commission</td>
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<td>2009-2010</td>
<td><em>Vericast Optimization</em> Research and development</td>
<td>BMAT Licensing, Spain</td>
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<td>1/2009-6/2009</td>
<td>Exposition installation: &quot;La Veu dels Neanderthals&quot; Researcher and team manager</td>
<td>Fundació La Caixa - CosmoCaixa, Spain</td>
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<td>2009</td>
<td><em>KaleiVoiceCope</em> voice transformation installation for the exposition &quot;Les Veus de la Mediterrània&quot; Development</td>
<td>Can Quintana Museu de la Mediterrània, Spain</td>
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<td>1/2008-7/2008</td>
<td><em>Skore - A Singing Voice Performance Rating System</em> Researcher and team manager</td>
<td>BMAT Licensing, Spain</td>
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<td>4/2006-3/2008</td>
<td><em>Violin Performer</em> Researcher and team manager</td>
<td>Yamaha Corp, Japan</td>
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<td>2006-2007</td>
<td><em>Playable Audio</em> Researcher</td>
<td>Yamaha Corp, Japan</td>
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<td>2007</td>
<td>Voice transformation installation for the exposition: &quot;Números!&quot; Development and team manager</td>
<td>Fundació La Caixa - CosmoCaixa, Spain</td>
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<td>2005-2006</td>
<td><em>ComboVox - Voice Processing plug-in</em> Research and development</td>
<td>Pinnacle Systems, USA</td>
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<td>1997-1999</td>
<td>Voice Morphing System for Impersonating in Karaoke</td>
<td>Yamaha Corp, Japan</td>
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<td>2000-2003</td>
<td>TABASCO (Content based Audio Transformations), TIC 2000-1904-C02</td>
<td>Spanish Ministry of Science and Technology</td>
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<td>2001-2002</td>
<td>Time Machine - High Quality Time-Scaling of Polyphonic Audio</td>
<td>Yamaha Corp, Japan</td>
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<td>2002-2004</td>
<td>VoiceFX - A Singing Voice Processor</td>
<td>Yamaha Corp, Japan</td>
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**PATENTS**

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<td>14/5/2012</td>
<td>Bonada, J., Merlijn Blaauw, Makoto Tachibana</td>
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<td>Apparatus and method for creating singing synthesizing database, and pitch curve generation apparatus and method</td>
<td>Keijiro, S., Bonada, J.</td>
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<td>Yoshioka, Y., Bonada, J.</td>
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<td>Device and Method for Processing Musical Sound</td>
<td>Yoshioka, Y., Bonada, J.</td>
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**PUBLICATIONS**

**PhD Dissertation**

**Journals**
Book Chapters


Conference Proceedings (peer-reviewed)

- Coleman, G., Maestre, E., Bonada, J., “Augmenting Sound Mosaicing with Descriptor-Driven Transformation”, Proceedings of the 13th International Conference on Digital Audio Effects, Graz,

**Invited Presentations**

- Bonada, J., "Vocaloid: A Success Story?", 9th Pan-European Voice Conference (PEVOC9), Marseille, France, September, 2011.
- Bonada, J., "Canvi de Tempo i Síntesi de veu", Sonology Seminar, Escola Superior de Música de Catalunya, ESMUC, April, 2005.
- Several seminars in different European and Asiatic institutions: AIST (Advanced Industrial Science and Technology, Japan), Yamaha Corporation (Hamamatsu, Japan), Helsinki University of Technology TKK (Department of Electrical and Communications Engineering Laboratory of Acoustics and Audio Signal Processing, Espoo, Finland), Tampere University of Technology (Institute of Signal Processing, Tampere, Finland), KTH (Royal Institute of Technology, Stockholm, Sweden), OFAI (Austrian Research Institute for Artificial Intelligence, Vienna, Austria).
OTHER RELEVANT SCIENTIFIC COLLABORATIONS

The multidisciplinary aspect of Dr. Bonada’s research has been emphasized with several collaborations with researchers of different fields:
- Dr. Henkan Honing, University of Amsterdam, on rhythm perception, providing time-scale modifications of audio excerpts.
- Dr. Pascal Belin, McGill University, on gender perception, providing morph between voice recordings.
- Dr. Michel André, Universitat Politècnica de Catalunya, on the analysis of sperm whale sounds, developing algorithms and tools to assist the analysis.
- Dr. Paul Vershure and Dr. Jonatas Manzolli, Universitat Pompeu Fabra, on music therapy research, designing and providing a vowel synthesizer.
- Dr. Catherine Guastavino, McGill University, on melodic similarity perception, providing tools for melodic transcription and synthesis.

It is also worth to highlight the collaboration with the Sant Pau Hospital in Barcelona supervising a Master Thesis that focused on the GRBAS diagnosis from voice signals.

SCIENTIFIC SERVICES

- Member of the Evaluation Committee of the European Course for Musical Composition and Technologies (ECMCT), Leonardo da Vinci Programme, European Commission, October 2006 – June 2007
- Reviewer for Conferences in Sound and Music Computing: International Computer Music Conference (ICMC), Digital Audio Effects (DAFX), Audio Engineering Society (AES)
- Member of the program committee of the 12th International Digital Audio Effects Conference (DAFx-2009)
- Session chair in MAVEBA-03 (Firenze) and AES-05 (Barcelona) international conferences

DISSEMINATION IN MEDIA

Dr. Bonada’s research and its application have appeared in different media along the past years (see mtg.upf.edu/news/media for more details).
- TV news on US (ABC) and Spain (TVE, TVE2, TV3, Tele5, Antena 3).
- TV programs (Redes on TVE2, Punt Omega and QueQuiCom on TV3).
- Spanish TV show Operación Triunfo, a singing contest where the participants used a software tool to display in real-time relevant parameters of their performance.
- Moto GP broadcasting, where a signal analysis algorithm was used to estimate and display in real-time the engines’ rpm.
- Radio interviews in Catalunya Radio, Catalunya Cultura, Cadena Ser, iCat FM.

It is worth to highlight the celebration and appearance on several media of the ten-year anniversary celebration of the collaboration between the Music Technology Group (MTG) of the Universitat Pompeu Fabra (UPF) and the Japanese company Yamaha Corp., with the presence of the rector of the UPF and the general director of Yamaha Corp.

MISCELLANEOUS

- Languages: Spanish, Catalan (mother tongue), fluent English
- Hobbies: music (piano player), nature, hiking, swimming
- Co-founder of the spin-off company Barcelona Music and Audio Technologies, S.L. (BMAT)
- Married, two sons born in 2007 and 2011
- Born on 25/03/1973

REFEREES

- Dr. Xavier Serra, Professor and head of the Music Technology Group from the Departament de Tecnologies de la Informació i les Comunicacions of the Universitat Pompeu Fabra, Barcelona, Spain, xavier.serra@upf.edu
- Dr. Udo Zölzer, Professor and head of the Department of Signal Processing and Communications at the Helmut Schmidt University - University of the Federal Armed Forces in Hamburg, Germany, udo.zoelzer@hsu-hamburg.de
- Dr. Vesa Valimaki, Professor at the Department of Signal Processing and Acoustics, in the School of Electrical Engineering of the Aalto University, Espoo, Finland, vesa.valimaki@tkk.fi
- Hideki Kenmochi, Corporate Research & Development Center, Yamaha Corporation, Japan, kenmochi@beat.yamaha.co.jp
- Dr. Johan Sundberg, emeritus Professor at the Royal Institute of Technology, Stockholm, Sweden, jsu@csc.kth.se
- Dr. Climent Nadeu, Professor at the Signal Processing and Communications Department of the Universitat Politècnica de Catalunya, Barcelona, Spain, climent.nadeu@upc.edu
Dear ICANN and Economist Intelligence Unit (“ELU”):

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (ii) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (iii) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

[1] https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
ASSESSMENT OF COMMUNITY DEFINITION, ESTABLISHMENT AND NEXUS

A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application Answer to Question 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector. “Music” is a regulated sector comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

DotMusic’s application follows unified principles that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination (See Application Answers to 18).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia. According to Wikipedia:\(^8\)

> *Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”. UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.*\(^9\)

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ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other

10 [http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html](http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html)
This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s ‘Establishment’ and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”. 

13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal

20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See http://www.oxforddictionaries.com/definition/english/mainly and http://www.merriam-webster.com/dictionary/mainly respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392).
role with respect to music.\textsuperscript{21} IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\textsuperscript{22} The UNESCO strategic partnership\textsuperscript{23} is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\textsuperscript{24}

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.\textsuperscript{25}

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\textsuperscript{26} Other small government Ministries of Culture, such as Albania,\textsuperscript{27} or government

\textsuperscript{21} \url{http://www.ifacca.org/membership/current_members/}
\textsuperscript{22} \url{http://www.ifacca.org/strategic_partners/}
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\textsuperscript{24} \url{http://www.imc-cim.org/about-imc-separator/who-we-are.html}
\textsuperscript{25} U.S Copyright Office, \url{http://www.copyright.gov/carp/m200a.html}
\textsuperscript{26} 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (\url{http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf}). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6),
Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

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27 http://www.culturalpolicies.net/down/albania_012011.pdf
33 http://www.pch.gc.ca/eng/1294862453819/1294862453821
The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.

The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”

The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.

In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide” whose members – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member, represents “approximately 85% of all legitimate recorded music produced and sold in the United States,” the world’s largest music market with 30% global market share. Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

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36 NEA Strategic Plan 2012-2016, [www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf](http://www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf)
38 [http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download](http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download), Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
41 [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)
Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\(^{46}\)

The reach of A2IM Associate membership\(^{47}\) covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**\(^ {48}\) – iTunes accounts for 63% of global digital music market\(^ {49}\) - a majority – with a registered community of 800 million registered members\(^ {50}\) available in 119 countries who abide to strict terms of service and boundaries\(^ {51}\) and have downloaded over 25 billion songs\(^ {52}\) from iTunes’ catalog of over 43 million songs\(^ {53}\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^ {54}\)

- **Pandora**\(^ {55}\) – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.\(^ {56}\)

- **Spotify**\(^ {57}\) – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.\(^ {58}\)

- **Vevo**\(^ {59}\) – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.\(^ {60}\)

\(^{46}\) [http://a2im.org/about-joining/](http://a2im.org/about-joining/)

\(^{47}\) [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)

\(^{48}\) [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)


\(^{50}\) [http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt](http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt)


\(^{54}\) [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)

\(^{55}\) [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)

\(^{56}\) [http://a2im.org/groups/vevo/](http://a2im.org/groups/vevo/)


\(^{58}\) [http://a2im.org/groups/itunes/working-itunes/sell-content/music-faq.html](http://a2im.org/groups/itunes/working-itunes/sell-content/music-faq.html)

\(^{59}\) [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)

\(^{60}\) [http://a2im.org/groups/vevo/](http://a2im.org/groups/vevo/)

• **Youtube**[^61] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube[^62], of which 38.4% is music-related[^63]

• **Reverbnation**[^64] – Reverbnation[^65] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**[^66] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^67]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^68]), China (China Audio Video Association[^69]) and Germany (Initiative Musik).[^70]

A2IM also has Affiliate[^71] associations within the global music community. These include Affiliates such as MusicFirst[^72] the Copyright Alliance[^73], the Worldwide Independent Network (WIN)[^74] and Merlin.[^75]

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.[^76] The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

[^62]: [http://a2im.org/groups/youtube/](http://a2im.org/groups/youtube/)
[^65]: [http://a2im.org/groups/reverb-nation/](http://a2im.org/groups/reverb-nation/)
[^66]: [http://a2im.org/groups/bmg-rights/](http://a2im.org/groups/bmg-rights/)
[^68]: [http://a2im.org/groups/french-music-export-office](http://a2im.org/groups/french-music-export-office)
[^69]: [http://a2im.org/groups/china-audio-video-association-cava](http://a2im.org/groups/china-audio-video-association-cava)
[^70]: [http://a2im.org/groups/initiative-musik-gmbh](http://a2im.org/groups/initiative-musik-gmbh)
[^71]: [http://a2im.org/groups/tag/associate-members/](http://a2im.org/groups/tag/associate-members/)
[^72]: [http://musicfirstcoalition.org/coalition](http://musicfirstcoalition.org/coalition)
[^73]: [http://www.copyrightalliance.org/members](http://www.copyrightalliance.org/members)
[^74]: [http://www.winformusic.org](http://www.winformusic.org)
[^75]: [http://www.merlinnetwork.org](http://www.merlinnetwork.org)
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” — a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

The International Music Products Association, NAMM, is another globally-recognized and relevant group of non-negligible size that has supported DotMusic. NAMM, formed in 1901, is mainly dedicated to the global music community by representing the international music products industry and community, with globally-recognized members and exhibitors that include Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica, AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanex, AVID, Casio, DW, Sabian, Pearl, Zildjian, Martin, Ludwig, Marshall and others. Every amateur and professional musician worldwide uses music products manufactured and distributed by NAMM’s members. Without these musical instruments and products, music as we know it today would not be created or produced. NAMM and its trade shows power the $17 billion global music products industry serving as a hub for the global music community wanting to seek out the newest innovations in musical products, recording technology, sound and lighting. NAMM’s mission is “to strengthen
the music products industry and promote the pleasures and benefits of making music.”

NAMM also hosts the NAMM Show, the world's largest event for the music products industry.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community. Community members may register a .MUSIC by either:

83 https://www.namm.org/about
85 http://music.us/supporters
86 See http://music.us/nexus
1) Identifying that they belong to a Music Community Member Organization ("MCMO"); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

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87 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Signature: Jordi Janer

Name: Jordi Janer, Ph.D

Title: Cofounder

Organization: Voctro Labs (Barcelona)
Jordi Janer, PhD

Jordi Janer is an audio technologist who works as Senior Researcher at the Music Technology Group of the Universitat Pompeu Fabra (MTG-UPF) in Barcelona.

Graduated in Electronic Engineering (2000), he worked as DSP engineer at Creamware GmbH, (Germany, 2000-2003), designing and developing audio effects and virtual synthesizers. He joined later the MTG-UPF, where he obtained the PhD degree in 2008 on voice interaction. His academic experience includes visiting research stays at McGill University (Canada, 2005) and at Northwestern University (USA, 2009).

His activity as a researcher and project manager involved various publicly-funded research projects (2004-2013), and industrial joint-research collaborations with Yamaha Corp. (Japan). He is coauthor of 11 patents and more than 30 scientific publications. In 2011 he cofounded Voctro Labs (See [http://www.voctrolabs.com](http://www.voctrolabs.com)), a spin-off company specialized on voice processing solutions for the audiovisual media industry.

Education

Ph.D, Computer Science and Digital Communication (2002-2008)  
Universitat Pompeu Fabra

Publications


transformations.


For more publications, see http://mtg.upf.edu/biblio/author/Janer
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

**SUMMARY**

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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\(^{1}\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392)
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² [http://music.us/supporters]
³ [http://music.us/supporters]
A) **Music Community Definition, Establishment & Community Endorsement**

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

1. An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.5

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary6) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries7).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;
2. The organized and delineated logical alliance of communities exists; and
3. The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See [http://music.us/establishment](http://music.us/establishment)
According to Wikipedia:\(^8\)

*Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants…and non-commercial participants…and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”…UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.*\(^9\)

**ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:**

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.13 This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.


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


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

iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”)

19: “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music. 20 IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. 21 The UNESCO strategic partnership 22 is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally. 23

20 http://www.ifacca.org/membership/current_members/
21 http://www.ifacca.org/strategic_partners/
22 http://www.ifacca.org/strategic_partners/
23 http://www.imc-cim.org/about-imc-separator/who-we-are.html
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.  

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania, or government Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.  

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

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24 U.S Copyright Office, [http://www.copyright.gov/carp/m200a.html](http://www.copyright.gov/carp/m200a.html)
25 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” ([http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf](http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf)). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
26 [http://www.culturalpolicies.net/down/albania_012011.pdf](http://www.culturalpolicies.net/down/albania_012011.pdf)
organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.  

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.
- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.
- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”
- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.
- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

32 http://www.pch.gc.ca/eng/1294862453819/1294862453821
37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.40

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**42 – iTunes accounts for 63% of global digital music market43 - a majority – with a registered community of 800 million registered members44 available in 119 countries who abide to strict terms of service and boundaries45 and have downloaded over 25 billion songs46 from iTunes’ catalog of over 43 million songs47 covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.48

- **Pandora**49 – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.50

- **Spotify**51 – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.52

- **Vevo**53 – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.54

40 [http://a2im.org/about-joining/](http://a2im.org/about-joining/)
41 [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
42 [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)
48 [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)
50 [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)
52 [http://a2im.org/groups/vevo/](http://a2im.org/groups/vevo/)
• **Youtube**[^55] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube[^56], of which 38.4% is music-related[^57].

• **Reverbnation**[^58] – Reverbnation[^59] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**[^60] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^61]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^62]), China (China Audio Video Association[^63]) and Germany (Initiative Musik).[^64]

A2IM also has Affiliate[^65] associations within the global music community. These include Affiliates such as MusicFirst,[^66] the Copyright Alliance,[^67] the Worldwide Independent Network (WIN)[^68] and Merlin.[^69]

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.[^70] The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

[^54]: http://www.vevo.com/c/EN/US/about
[^55]: http://a2im.org/groups/youtube/
[^56]: https://www.youtube.com/yt/press/statistics.html
[^57]: http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and
[^58]: http://a2im.org/groups/reverb-nation/
[^59]: http://www.reverbnation.com/about
[^60]: http://a2im.org/groups/bmg-rights/
[^61]: http://www.bmg.com/category/about-us/history/
[^62]: http://a2im.org/groups/french-music-export-office
[^63]: http://a2im.org/groups/china-audio-video-association-cava
[^64]: http://a2im.org/groups/initiative-musik-gmbh
[^65]: http://a2im.org/groups/tag/associate-members/
[^66]: http://musicfirstcoalition.org/coalition
[^67]: http://www.copyrightalliance.org/members
[^68]: http://www.winformusic.org
[^69]: http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” — a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

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74 [http://music.us/supporters](http://music.us/supporters)
According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries

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75 See [http://music.us/nexus](http://music.us/nexus)
and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the *nexus* of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates *uniqueness* because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the *nexus* of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be *ineligible* for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

![Signature]

Name: Juan Diego Diaz

Title: PhD
Dr. Juan Diego Díaz Meneses

Phd in Ethnomusicology

EDUCATION

2014 University of British Columbia Ph.D. (Ethnomusicology)
Dissertation: “Orkestra Rumpilezz: Musical Constructions of Afro-Bahian Identities.” Available at http://hdl.handle.net/2429/46805
Supervisor: Dr. Michael Tenzer

2003-2008 Polytechnic University of Nicaragua B.Mus
Program interrupted to begin graduate studies at the University of British Columbia

1998 National University of Colombia B.ASc. (Civil Engineering)

RESIDENCIES

2012-2013 University of Oslo
Exchange Student and Visiting Scholar at the Department of Musicology

PUBLICATIONS

“Listening with the body: an aesthetics of ritual possession outside of the terreiro.” Ethnomusicology. Accepted on Feb. 26, 2015, pending minor revisions.


2007 “Notación y Transcripción para el Berimbau Usado en Capoeira” (Notation and Musical Transcription for the Brazilian Berimbau as used in Capoeira). Revista Ensayos 13: 157-178. [National University of Colombia]

PRESENTATIONS

2015  “A Colombian Ethnomusicology: Issues, opportunities and challenges of musical research in Colombia.”  

      Paper presented at the meeting of the Society for Ethnomusicology, North West Chapter, Vancouver, BC, 1 May.

2014  “Orkestra Rumpilezz: Big band grooves performing Africanness in Bahia, Brazil.”  
      Paper presented at the Colloquium Series, School of Music, University of British Columbia, Vancouver, BC, 21, Mar


2013  “Discourses of Musical Africanness in Salvador, Brazil.”  
      Paper presented at the Social-Academic Forum, Department of Musicology, University of Oslo, Oslo, Norway, 28 Feb.

2009  “Periodic Structures in Capoeira Angola Music: Setting the Scene for the Roda.”  
      Paper presented at the 54th annual meeting of the Society for Ethnomusicology, Mexico City, Mexico, 19-22 Nov.

RESEARCH ASSISTANSHIPS

      Research Assistant. School of Music, University of British Columbia.

SCHOLARSHIPS AND AWARDS

2010-2012  Killam Doctoral Scholarship  
            Killam Trusts - University of British Columbia

2010-2013  Joseph-Armand Bombardier Canada Graduate Scholarships Program  
            (Doctoral Award)  
            Social Sciences and Humanities Research Council
2010-2014 Four Year Doctoral Fellowship  
University of British Columbia

2011 UBC Student Outstanding Leader Recognition  
University of British Columbia

2009-2010 Joseph-Armand Bombardier Canada Graduate Scholarships Program  
(Masters Award)  
Social Sciences and Humanities Research Council.

2009-2010 University Graduate Fellowship (Masters Award)  
University of British Columbia

2008-2009 Entrance Scholarship  
University of British Columbia

COMPOSITIONS AND PERFORMANCES

2011 “Se Fué Mendoza.”  
Composer. A piece for string orchestra, oboe, and clarinet inspired by Colombian cumbia and gaita music.  
Performed on November 21st, 2014 at the Telus Studio Theatre in Vancouver by the UBC Chamber Strings. Available at:  
https://www.youtube.com/watch?v=mErTr_W3YuA

2010-2011 “Suite Afro-Brasileira.”  
Composer. A five-movement suite for jazz big band and Afro-Brazilian percussion inspired by capoeira angola, candomble, samba-reggae and funk.  
Co-conductor. Performed by the UBC jazz ensemble, the UBC Capoeira Angola ensemble, and Sambata at the University of British Columbia on April 5 2011. Available at:  
https://www.youtube.com/watch?v=5aQrwEKfjjw  
https://www.youtube.com/watch?v=LbglARfggnc  
https://www.youtube.com/watch?v=6HFeBmaeJw  
https://www.youtube.com/watch?v=PWHZ3ZHZ4Fg  
https://www.youtube.com/watch?v=LjzHvRejHMg

LANGUAGES

Spanish (native speaker)  
English (fluent)  
Portuguese (fluent)  
French (read and aural comprehension)
### TEACHING EXPERIENCE

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<th>Year</th>
<th>Course/Role</th>
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### ENSEMBLE DIRECTING

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<tr>
<td>2009-2011</td>
<td>UBC Capoeira Angola Ensemble</td>
<td>Instructor.</td>
<td>University of British Columbia. Founded and led a Capoeira Angola ensemble at UBC.</td>
</tr>
<tr>
<td>2001-2008</td>
<td>Capoeira Angola Ensembles</td>
<td>Founded, led, and taught Capoeira Angola groups in Managua (Nicaragua) and San José (Costa Rica).</td>
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### PROFESSIONAL SERVICE

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<th>Service</th>
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<tr>
<td>2008-2009</td>
<td>Ethnomusicology search committee, School of Music, University of British Columbia</td>
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### PROFESSIONAL DEVELOPMENT

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<th>Development</th>
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<tr>
<td>2014-15</td>
<td>Workshops taken at the University of British Columbia, Faculty of Graduate Studies. PhD Connections: Effective Supervisory Relationships Getting the Word Out: Writing your Research for the Public Sphere Foundations of Project Management 1 Leading with Emotional Intelligence Managing Effective Collaborative Research Teams Introduction to Interacting with the Media</td>
</tr>
</tbody>
</table>
OTHER RELEVANT EXPERIENCE

Administrative Assistant
Organized film/lecture series, music performances, fundraisers, and gala events
Coordinated and managed the administrative and resource support to over 20 diverse student groups and organizations

2007 Casa Canadiense (Canadian NGO based in Managua, Nicaragua)
Coordinator
Managed and coordinated all daily operations of the organization, including fiduciary oversight.
Coordinated a global education program through collaborations with Canadian high school groups and local Nicaraguan counterparts.

WEBSITES

http://ubc.academia.edu/JuanDiegoDiazMeneses/CurriculumVitae
https://www.grad.ubc.ca/campus-community/meet-our-students/diaz-meneses-juan-diego
Dear ICANN and Economist Intelligence Unit ("EIU"):

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community”s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.2

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support3 from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

2 http://music.us/supporters
3 http://music.us/supporters
ASSESSMENT OF COMMUNITY DEFINITION, ESTABLISHMENT AND NEXUS

A) Music Community Definition, Establishment & Community Endorsement⁴

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.⁵

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary⁶) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries⁷).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;
2. The organized and delineated logical alliance of communities exists; and
3. The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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⁴ See [http://music.us/establishment](http://music.us/establishment)
According to Wikipedia:8

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants…and non-commercial participants…and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.9

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.13 This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

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10 [http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html](http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html)
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

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

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

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

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

iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music. IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

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20 http://www.ifacca.org/membership/current_members/
21 http://www.ifacca.org/strategic_partners/
22 http://www.ifacca.org/strategic_partners/
23 http://www.imc-cim.org/about-imc-separator/who-we-are.html
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.  

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania, or government Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

24 U.S Copyright Office, [http://www.copyright.gov/carp/m200a.html](http://www.copyright.gov/carp/m200a.html)
25 [2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music”](http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
26 [http://www.culturalpolicies.net/down/albania_012011.pdf](http://www.culturalpolicies.net/down/albania_012011.pdf)
organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.30

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66).31 The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.32

- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.33

- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception34 and has a strong focus on music as outlined in its Strategic Plan35 with Congress requested to provide $154,465,000 for fiscal year 2014.36

- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”.37

- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.38

- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.39

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

32 http://www.pch.gc.ca/eng/1294862453819/1294862453821
37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\(^{40}\)

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a). Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**\(^{42}\) – iTunes accounts for 63% of global digital music market\(^{43}\) - a majority – with a registered community of 800 million registered members\(^{44}\) available in 119 countries who abide to strict terms of service and boundaries\(^{45}\) and have downloaded over 25 billion songs\(^{46}\) from iTunes’ catalog of over 43 million songs\(^{47}\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^{48}\)

- **Pandora**\(^{49}\) – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.\(^{50}\)

- **Spotify**\(^{51}\) – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.\(^{52}\)

- **Vevo**\(^{53}\) – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.\(^{54}\)

\(^{40}\) [http://a2im.org/about-joining/](http://a2im.org/about-joining/)

\(^{41}\) [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)

\(^{42}\) [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)


\(^{48}\) [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)

\(^{49}\) [http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/](http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/) and [http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9MzIyMTQ2NTE1OTM1fENoaWxkSUQ9MTE2MTYxNTgwMTUwNzc/Pg.9](http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9MzIyMTQ2NTE1OTM1fENoaWxkSUQ9MTE2MTYxNTgwMTUwNzc/Pg.9)

\(^{50}\) [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)

\(^{51}\) [http://a2im.org/groups/vevo](http://a2im.org/groups/vevo)
• **Youtube**[^55] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube[^56], of which 38.4% is music-related.[^57]

• **Reverbnation**[^58] – Reverbnation[^59] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**[^60] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^61]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^62]), China (China Audio Video Association[^63]) and Germany (Initiative Musik).[^64] A2IM also has Affiliate associations within the global music community. These include Affiliates such as MusicFirst[^65], the Copyright Alliance[^66], the Worldwide Independent Network (WIN)[^67] and Merlin.[^68]

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.[^70] The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

[^54]: http://www.vevo.com/c/EN/US/about
[^55]: http://a2im.org/groups/youtube/
[^56]: https://www.youtube.com/yt/press/statistics.html
[^57]: http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and
[^58]: http://a2im.org/groups/reverb-nation/
[^59]: http://www.reverbnation.com/about
[^60]: http://a2im.org/groups/bmg-rights/
[^61]: http://www.bmg.com/category/about-us/history/
[^62]: http://a2im.org/groups/french-music-export-office
[^63]: http://a2im.org/groups/china-audio-video-association-cava
[^64]: http://a2im.org/groups/initiative-musik-gmbh
[^65]: http://a2im.org/groups/tag/associate-members/
[^66]: http://musicfirstcoalition.org/coalition
[^67]: http://www.copyrightalliance.org/members
[^68]: http://www.winformusic.org
[^69]: http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” – a majority of global music.71

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support74 from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

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74 http://music.us/supporters
According to the Applicant Guidebook ("AGB"), to receive the maximum score for Nexus, the applied-for string -- "music" -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization ("MCMO"); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries

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75 See http://music.us/nexus
and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the *nexus* of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates *uniqueness* because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the *nexus* of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be *ineligible* for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively *match* the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Signature:  

Name: Juliane Jones  

Title: Juliane Jones, PhD  

Organization: The University of British Columbia
About Dr. Juliane Jones

Singer-Songwriter

Ethnomusicologist

PH.D in Ethnomusicology
University of British Columbia

Profile

Singer-songwriter and ethnomusicologist Juliane Jones finds harmony in what seems like self-identity dissonance. “I occupy a middle space – my world is about intersections,” the New York-based songstress explains. Juliane’s father is Welsh, and her mother is from L.A. She has lived internationally in five different places and speaks fluent Chinese and French. She is an ethnomusicologist, producer, and songwriter.

Juliane’s new experimental Chinese songwriting project integrates traditional Chinese music genres of guqin, pipa and xiao music, Chinese opera, and Buddhist chant into Western popular music idioms. It pushes the boundaries of performance by blending languages, timbres, and concepts in a way that is conscious of the stakes of translation and appropriation. Based on research begun during a Fulbright fellowship in China, Juliane’s songs and instrumental tracks are a celebration of cultural understanding.

Juliane performs and records music for the screen with leading Chinese instrumentalists around the world. Recent recordings feature pipa virtuoso Zhou Yi, bamboo flute master Miao Yimin, and the acclaimed Chinese opera (kunqu) artist Qian Yi.

Education

University of British Columbia Sept 2009-Nov 2014
Ph.D. (Ethnomusicology) November 2014

Royal Holloway University of London Sept 2008-Aug 2009
Mmus Advanced Musical Studies (Composition)

National Taiwan University, ICLP, Taipei, Taiwan June 2008-Aug 2008

The Shanghai Conservatory of Music Aug 2005-July 2006
Advanced Non-degree Student (Jinxuisheng)

The University of Chicago Sept 2001-Aug 2005
B.A., East Asian Studies, Minor: Music

Princeton in Beijing, Beijing, China June 2002-Aug 2002
The Taft School, Watertown, Connecticut Diploma, June 2001

L’Ecole Americaine, Rennes, France Sept 1999-June 2000

Dissertation Topic

Contemporary *Kunqu* Composition
Advisor: Dr. Michael Tenzer
Committee members: Dr. Joseph Lam, Dr. Nathan Hesselink,
1) Explores a new subfield of ethnomusicology, the application of ethnography to composition.
2) Investigates the contemporary form of a vitally important historical, operatic musical tradition inscribed on the UNESCO list of intangible heritage in 2001.
3) Is based on two years of fieldwork in Shanghai, China (2005-2007) and follow up trips in 2011 and 2013. Primary research techniques include:
   a) Composition lessons with composers in Shanghai and Nanjing.
   b) Interviews, both formal and informal.
   c) Translation of Chinese composition treatises dating to the sixteenth century and contemporary composition treatises.
   d) Analysis of musical scores, live performances, and sound recordings.

Prepared To Teach

The Singer-songwriter (Extensive experience as a producer and performer, General examination field in popular music studies)

Genre and Popular Music (General examination field)

Music in Twentieth Century China (Dissertation specialization)

Rhythm and Human Experience (Teaching assistant under Dr. Michael Tenzer)
Conducted two sections. Prepared class assignments and some course examinations. Lectured on groove guitar, jazz diffusion, and the origin of music.

Cross-cultural Guitar Studies (General examination field)

Honors and Grants

Vanier Canada Graduate Scholarship Sept 2010-Sept 2013. Recipient for 3 years ($50,000 per year)

University of British Columbia Graduate fellowship ($16,000) Sept 2009-Sept 2010

Royal Holloway International Excellence Scholarship September 2008

IIE Fulbright Fellowship, Shanghai, China Aug 2006-June 2007

Asada Eiji BA Thesis Prize, best BA Thesis in East Asian Studies June 2005
University of Chicago Dean’s List, 2001-2005

Paper Presentations

“Play the Bluebird”: Open Mics and Writers’ Nights June 2014
in Nashville, Tennessee
American Musicological Society Junior Faculty Symposium

Ethnography and Aesthetic Experience in Contemporary
Kun Opera Composition
July 2013
42nd International Council For Traditional Music (UNESCO)
The Shanghai Conservatory, Shanghai, China

Contemporary Kun Opera Composition May 2011
University of Toronto, Music Department

Discography


The Space Between The Telephone Lines (SoulRxSound, April 2014)
Original songs (Chinese and English versions), co-produced in Nashville, TN.

We Love We Live (SoulRxSound, 2011)
Original songs, co-produced in Nashville, TN.

Upcoming & Recent Performances


Joe’s Pub, NYC Mar 2015

Queens Library, Flushing, NYC Sept 2014

Canadian Music Week, Toronto, CA May 2014

Pianos, East Village, NYC (Recurring Performances) Sept 2012-Present

696 Livehouse, Shanghai, China July 2013

Markham Theater, Toronto, Canada May 2013
Nationally Televised on Fairchild TV, Canada

Papers

“Play the Bluebird”: Open Mics and Writers' Nights in Nashville, Tennessee in The Singer-Songwriter
Handbook (Bloomsbury Academic, accepted and forthcoming)

Kunqu Melody: Speech-tone, Melisma Shapes, and Vocal Gestures

“Musical Chinoiserie: Turandot and the Assertion of Ambiguity” (awarded best thesis in East Asian Studies at The University of Chicago)

Skills

Languages: Fluent English, French, Mandarin Chinese; Reading knowledge of German and Classical Chinese; Limited proficiency of Japanese

Music Software: Sibelius, Finale, Logic, and Pro Tools

Instruments: Guitar, Piano, Guqin

Website(s)

www.julianejonesmusic.com
https://www.grad.ubc.ca/campus-community/meet-our-students/jones-juliane
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application¹ for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

¹ https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/english/cohesion
According to Wikipedia:\(^8\)  

_Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.\(^9\)

\(^{i i)}\) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.13 This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existant without these organized and delineated elements that commonly define the Community.

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14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”)\textsuperscript{19}: “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of…a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.\textsuperscript{20} IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\textsuperscript{21} The UNESCO strategic partnership\textsuperscript{22} is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\textsuperscript{23}

\begin{itemize}
\item \textsuperscript{19} \url{https://newgtlds.icann.org/en/applicants/agb/guidebook-full-11jan12-en.pdf}
\item \textsuperscript{20} \url{http://www.ifacca.org/membership/current_members/}
\item \textsuperscript{21} \url{http://www.ifacca.org/strategic_partners/}
\item \textsuperscript{22} \url{http://www.ifacca.org/strategic_partners/}
\item \textsuperscript{23} \url{http://www.imc-cim.org/about-imc-separator/who-we-are.html}
\end{itemize}
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.\textsuperscript{24}

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\textsuperscript{25} Other small government Ministries of Culture, such as Albania,\textsuperscript{26} or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,\textsuperscript{27} all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.\textsuperscript{28}

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).\textsuperscript{29}
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

\textsuperscript{24} U.S Copyright Office, \url{http://www.copyright.gov/carp/m200a.html}
\textsuperscript{25} 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” \url{(http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf)}. Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1\textsuperscript{st} Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
\textsuperscript{26} \url{http://www.culturalpolicies.net/down/albania_012011.pdf}
\textsuperscript{27} 2010-11 Annual Report from India Ministry of Culture, \url{http://www.indiaculture.nic.in/hindi/pdf/Culture-AnRe-2010-2011(Eng).pdf}
\textsuperscript{28} \url{http://my.midem.com/en/contact-us/pavilion-representatives/}
\textsuperscript{29} 2011 Annual Report from New Zealand Ministry of Culture: \url{http://www.mch.govt.nz/files/Annual%20report%202011%202012%20pdf%20version%2020(D-0448383).PDF}
organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.  

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.  
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.  
- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.  
- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”  
- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.  
- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

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32 http://www.pch.gc.ca/eng/1294862453819/1294862453821
37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\textsuperscript{40}

The reach of A2IM Associate\textsuperscript{41} membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**\textsuperscript{42} – iTunes accounts for 63\% of global digital music market\textsuperscript{43} - a majority – with a registered community of 800 million registered members\textsuperscript{44} available in 119 countries who abide to strict terms of service and boundaries\textsuperscript{45} and have downloaded over 25 billion songs\textsuperscript{46} from iTunes’ catalog of over 43 million songs\textsuperscript{47} covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\textsuperscript{48}

- **Pandora**\textsuperscript{49} – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.\textsuperscript{50}

- **Spotify**\textsuperscript{51} – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.\textsuperscript{52}

- **Vevo**\textsuperscript{53} – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.\textsuperscript{54}

\textsuperscript{40} http://a2im.org/about-joining/
\textsuperscript{41} http://a2im.org/groups/tag/associate+members/
\textsuperscript{42} http://a2im.org/groups/itunes
\textsuperscript{43} http://appleinsider.com/articles/13/04/16/apples-itunes-rules-digital-music-market-with-63-share
\textsuperscript{44} http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt
\textsuperscript{46} http://www.apple.com/pr/library/2013/02/06iTunes-Store-Sets-New-Record-with-25-Billion-Songs-Sold.html
\textsuperscript{47} https://www.apple.com/itunes/features/
\textsuperscript{48} https://www.apple.com/itunes/working-itunes/sell-content/music-faq.html
\textsuperscript{49} http://a2im.org/groups/pandora
\textsuperscript{50} http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/ and http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9MTkxNTM1fENoaWxkSUQ9LTF8VHlwZT0x_Ly01MjAwMDAxOCZTPT02; PG=9
\textsuperscript{51} http://a2im.org/groups/spotify
\textsuperscript{52} https://press.spotify.com/us/information/
\textsuperscript{53} http://a2im.org/groups/vevo/
**Youtube** – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube, of which 38.4% is music-related.

**Reverbnation** – Reverbnation is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

**BMG** – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport), China (China Audio Video Association) and Germany (Initiative Musik). A2IM also has Affiliate associations within the global music community. These include Affiliates such as MusicFirst, the Copyright Alliance, the Worldwide Independent Network (WIN) and Merlin.

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries. Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

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55 [http://a2im.org/groups/youtube/](http://a2im.org/groups/youtube/)
58 [http://a2im.org/groups/reverb-nation/](http://a2im.org/groups/reverb-nation/)
59 [http://www.reverbnation.com/about](http://www.reverbnation.com/about)
60 [http://a2im.org/groups/bmg-rights/](http://a2im.org/groups/bmg-rights/)
62 [http://a2im.org/groups/french-music-export-office](http://a2im.org/groups/french-music-export-office)
63 [http://a2im.org/groups/china-audio-video-association-cava](http://a2im.org/groups/china-audio-video-association-cava)
64 [http://a2im.org/groups/initiative-musik-gmbh](http://a2im.org/groups/initiative-musik-gmbh)
65 [http://a2im.org/groups/tag/associate-members/](http://a2im.org/groups/tag/associate-members/)
66 [http://musicfirstcoalition.org/coalition](http://musicfirstcoalition.org/coalition)
67 [http://www.copyrightalliance.org/members](http://www.copyrightalliance.org/members)
68 [http://musicfirstcoalition.org/coalition](http://musicfirstcoalition.org/coalition)
69 [http://www.winformusic.org](http://www.winformusic.org)
70 [http://www.merlinnetwork.org](http://www.merlinnetwork.org)
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” — a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

74 http://music.us/supporters
\textit{B) Nexus}\textsuperscript{75}

According to the Applicant Guidebook ("AGB"), to receive the maximum score for Nexus, the applied-for string -- "music" -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The \textit{Nexus} of the "Music Community" entirely matches the applied-for "music" string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization ("MCMO"); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: "the strictly delineated and organized logical alliance of communities of similar nature related to music."

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The \textit{nexus} of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the \textit{nexus} between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries

\textsuperscript{75} See http://music.us/nexus
and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the *nexus* of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates *uniqueness* because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the *nexus* of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be **ineligible** for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively *match* the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Signature: [Signature]

Name: Kathryn Fitzgerald, Ph.D.

Title: Customer Insight and Marketing Strategy Consultant

Organization: Met4Marketing
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
According to Wikipedia:\(^8\)

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants…and non-commercial participants…and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”…UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.\(^9\)

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.¹⁰

The Berne Convention for the Protection of Literary and Artistic Works¹¹ provides that each of the 168 contracting parties¹² (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.¹³ This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

¹⁰ http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
¹² http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
¹³ http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

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

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

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

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

iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music. IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

20 http://www.ifacca.org/membership/current_members/
21 http://www.ifacca.org/strategic_partners/
22 http://www.ifacca.org/strategic_partners/
23 http://www.imc-cim.org/about-imc-separator/who-we-are.html
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.\textsuperscript{24}

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\textsuperscript{25} Other small government Ministries of Culture, such as Albania,\textsuperscript{26} or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,\textsuperscript{27} all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.\textsuperscript{28}

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).\textsuperscript{29}
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

\textsuperscript{24} U.S Copyright Office, http://www.copyright.gov/carp/m200a.html
\textsuperscript{25} 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos APhrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1\textsuperscript{st} Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
\textsuperscript{26} http://www.culturalpolicies.net/down/albania_012011.pdf
\textsuperscript{28} http://my.midem.com/en/contact-us/pavilion-representatives/
organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.  

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.  
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.  
- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.  
- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”.  
- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.  
- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

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32 http://www.pch.gc.ca/eng/1294862453819/1294862453821  
37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)  
Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes** – iTunes accounts for 63% of global digital music market, a majority - with a registered community of 800 million registered members available in 119 countries who abide to strict terms of service and boundaries and have downloaded over 25 billion songs from iTunes’ catalog of over 43 million songs covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.

- **Pandora** – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.

- **Spotify** – Spotify is the world's largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.

- **Vevo** – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.
• **Youtube**[^55] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube[^56], of which 38.4% is music-related.[^57]

• **Reverbnation**[^58] – Reverbnation[^59] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**[^60] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^61]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^62]), China (China Audio Video Association[^63]) and Germany (Initiative Musik).[^64] A2IM also has Affiliate[^65] associations within the global music community. These include Affiliates such as MusicFirst[^66], the Copyright Alliance,[^67] the Worldwide Independent Network (WIN)^[^68] and Merlin.[^69]

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.[^70] The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries. Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

[^55]: [http://a2im.org/groups/youtube/](http://a2im.org/groups/youtube/)
[^58]: [http://a2im.org/groups/reverb-nation/](http://a2im.org/groups/reverb-nation/)
[^59]: [http://www.reverbnation.com/about](http://www.reverbnation.com/about)
[^60]: [http://a2im.org/groups/bmg-rights/](http://a2im.org/groups/bmg-rights/)
[^62]: [http://a2im.org/groups/french-music-export-office](http://a2im.org/groups/french-music-export-office)
[^63]: [http://a2im.org/groups/china-audio-video-association-cava](http://a2im.org/groups/china-audio-video-association-cava)
[^64]: [http://a2im.org/groups/initiative-musik-gmbh](http://a2im.org/groups/initiative-musik-gmbh)
[^65]: [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
[^67]: [http://www.copyrightalliance.org/members](http://www.copyrightalliance.org/members)
[^68]: [http://www.winformusic.org](http://www.winformusic.org)
[^69]: [http://www.merlinnetwork.org](http://www.merlinnetwork.org)
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” — a majority of global music.  

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

74 http://music.us/supporters
According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the
applied-for string -- “music” -- must match the name of the community or be a well-known
short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it
represents the entire global Music Community as commonly-known and perceived by the general
public. This definition allows for all constituents with a requisite awareness of the Community
defined to register a .MUSIC domain without any conflicts of interests, over-reaching or
discrimination. The definition of the Community requires that members have an active, non-
tangential relationship with the applied-for string and the requisite awareness of the music
community they identify with as part of the registration process. It is clear that the general
public will directly associate and equate the string with the Community as defined by DotMusic.
There is no possibility of overreaching beyond the definition or allowing unrelated non-music
entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization
   (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of
   the Community: “the strictly delineated and organized logical alliance of communities of
   similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community
by identifying which clearly defined community they belong to and have an active participation
in. The nexus of the applied-for string ensures inclusion of the entire global community that the
string represents while excluding unrelated-entities not associated with the string. This way there
is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no
empirical evidence providing an exact, finite number because amateur entities are also included
in the Community’s definition), it is in the considerable millions as explicitly stated in the
DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive
Registration Policies ensure that eligible members are only music-related and associated with the
string. This is because the string identifies all constituents involved in music. Music-only
participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the
nexus between the string and Community defined. According to DotMusic, the Community
definition, eligibility criteria and content and use requirements ensure that peripheral industries

75 See http://music.us/nexus
and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the *nexus* of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the *nexus* of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Signature:  

Name: Dr. Lisa M. Overholser

Title: Urban Region Community Arts Specialist

Organization: University of Missouri Extension
**Background**

Urban Region Community Arts Specialist and Director of the St. Louis Storytelling Festival  
University of Missouri Extension  
December 2014 – Present (7 months) St. Louis, Missouri

Adjunct Instructor  
Empire State College  
August 2010 – Present (4 years 11 months)

Adjunct Instructor  
Albany College  
August 2010 – December 2014 (4 years 5 months)

Director of Programs  
New York Folklore Society  
November 2008 – December 2014 (6 years 2 months) Schenectady, NY

**Education**

Doctor of Philosophy (PhD), Folklore/Ethnomusicology (major); Musicology (minor)  
Indiana University Bloomington

MM, Piano Performance and Music History  
The University of Kansas

BM, Piano Performance  
University of Missouri-Kansas City

**Website(s)**

https://www.linkedin.com/pub/lisa-overholser/3b/738/9aa and  
http://extension.missouri.edu/Website/DisplayCountyStaff.aspx?C=86818&WID=101
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application¹ for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

¹ https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to	heir copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one
entity mainly dedicated to the community supporting DotMusic’s
application. Such documented Support includes several “international
federation of national communities of a similar nature,” music coalitions
and others that are strongly associated with “music,” which represent a
majority of the Community with considerable millions of members
worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for
string because it represents the entire global Music Community – a
community that pre-existed 2007 with a size in the considerable millions
of constituents. The “Music Community” definition -- which incorporates
the strict fundamental attributes of a closely united Community definition
that is “organized” and “delineated” -- ensures that all of its constituent
members have a requisite awareness of the community as defined,
including both commercial and non-commercial stakeholders, to register a
.MUSIC domain without any conflicts of interests, over-reaching or
discrimination.

6) DotMusic has received support from the largest coalition of Music
Community member organizations ever assembled to support a cause.
Such unparalleled global Music Community support represents an
overwhelming majority of the global Music Community as defined.
Cumulatively, DotMusic possesses documented support³ from
institutions/organizations representing a majority of the Community as
defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and
Support criteria for the “Music” string. The inclusion and representation of every music
constituent type is paramount to the articulated purpose of the string. DotMusic and its
application’s global Music Community supporters substantiate that every type of music
constituent contributes to the function and operation of the music sector within a regulated
framework. The symbiotic nature of the Community as defined and structured means that
“Music” would not function as it does today without the participation of all music constituent
types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;
2. The organized and delineated logical alliance of communities exists; and
3. The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/americandictionary/cohesion
According to Wikipedia: 

*MUSIC community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.*

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.13 This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.  

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”)19: “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly20 dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.21 IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and

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20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See [http://www.oxforddictionaries.com/definition/english/mainly](http://www.oxforddictionaries.com/definition/english/mainly) and [http://www.merriam-webster.com/dictionary/mainly](http://www.merriam-webster.com/dictionary/mainly) respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ac=1392)).
21 [http://www.ifacca.org/membership/current_members/](http://www.ifacca.org/membership/current_members/)
influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania, or government Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

References:
22 http://www.ifacca.org/strategic_partners/
23 http://www.ifacca.org/strategic_partners/
24 http://www.imc-cim.org/about-imc-separator/who-we-are.html
26 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
27 http://www.culturalpolicies.net/down/albania_012011.pdf
Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).  

- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.  

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66).  

- The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.  

- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.  

- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.  

- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”  
  36 NEA Strategic Plan 2012-2016, [www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf](http://www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf)


  38 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, [http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download](http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download), Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
• The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.  

• In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

• **Apple iTunes** – iTunes accounts for 63% of global digital music market - a majority – with a registered community of 800 million registered members available in 119 countries who abide to strict terms of service and boundaries and have downloaded over 25 billion songs from iTunes’ catalog of over 43 million songs covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.
• **Pandora**[^50] – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.[^51]

• **Spotify**[^52] – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.[^53]

• **Vevo**[^54] – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.[^55]

• **Youtube**[^56] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,[^57] of which 38.4% is music-related.[^58]

• **Reverbnation**[^59] – Reverbnation[^60] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**[^61] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^62]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^63]), China (China Audio Video Association[^64]) and Germany (Initiative Musik).[^65] A2IM also has Affiliate associations within the global music community. These include Affiliates such as MusicFirst,[^67] the Copyright Alliance,[^68] the Worldwide Independent Network (WIN)[^69] and Merlin.[^70]

[^50]: http://a2im.org/groups/pandora
[^51]: http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/ and http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9MTkxNTM1fENoaWxkSUQ9LTF8VHlwZT0z&t=1, Pg.9
[^52]: http://a2im.org/groups/spotify
[^54]: http://a2im.org/groups/vevo/
[^55]: http://www.vevo.com/c/EN/US/about
[^56]: http://a2im.org/groups/youtube/
[^57]: https://www.youtube.com/yt/press/statistics.html
[^58]: http://www.researchandmarkets.com/reports/2092499/internet_video_2011_2014_view_share_site_and
[^59]: http://a2im.org/groups/reverb-nation
[^60]: http://www.reverbnation.com/about
[^61]: http://a2im.org/groups/bmg-rights/
[^63]: http://a2im.org/groups/french-music-export-office
[^64]: http://a2im.org/groups/china-audio-video-association-cava
[^65]: http://a2im.org/groups/initiative-musik-gmbh
[^66]: http://a2im.org/groups/tag/associate-members/
[^67]: http://musicfirstcoalition.org/coalition, The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
[^68]: http://www.copyrightalliance.org/members
[^69]: http://www.winformomusic.org
A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.71 The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide”72 whose members73 – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member,74 represents “approximately 85% of all legitimate recorded music produced and sold in the United States,”75 the world’s largest music market with 30% global market share.76 Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music”77 – a majority of global music.78

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70 http://www.merlinnetwork.org
72 http://www.ifpi.org/about.php
73 http://www.ifpi.org/our-members.php
74 http://www.ifpi.org/national-groups.php
75 http://www.riaa.com/faq.php
76 http://www.statista.com/topics/1639/music/
Another letter\textsuperscript{79} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally.\textsuperscript{80} Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support\textsuperscript{81} from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

\textbf{B) Nexus}\textsuperscript{82}

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The \textit{Nexus} of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music

\textsuperscript{81} http://music.us/supporters
\textsuperscript{82} See http://music.us/nexus
entities to be included as part of the Community. Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The \textit{nexus} of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the \textit{nexus} between the string and Community defined. According to DotMusic, the Community \textit{definition}, \textit{eligibility} criteria and \textit{content and use} requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the \textit{nexus} of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the \textit{nexus} of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework\textsuperscript{83} given the symbiotic overlapping nature of the Community as

\textsuperscript{83} ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See \url{https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf} Pg.7)
defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

Luis-Manuel Garcia

Name: Luis-Manuel Garcia

Title: Lecturer /Assistant Professor

Organization: University of Groningen
CURRICULUM VITAE

LUIS-MANUEL GARCIA

ADDRESSES

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University of Groningen
Oude Boteringestraat 34
9712 GK Groningen
Netherlands

Email: [available upon request]

Websites:
http://www.rug.nl/staff/l.m.garcia/
http://lmgmblog.wordpress.com
http://www.theluisgarcia.com

EDUCATION

University of Chicago, Chicago, Illinois
2011 Doctor of Philosophy in Music (Ethnomusicology)
• Conferred: August 2011
• Dissertation: “Can You Feel it Too?: Intimacy and Affect at Electronic Dance Music Events in Paris, Chicago, and Berlin.”
• Committee: Travis A. Jackson (supervisor), Steven Rings, Lauren Berlant, Kaley Mason

University of Toronto, Toronto, Ontario, Canada
2004 Master of Arts in Music (Musicology)

2002 Bachelor of Music (Music History & Culture)

EMPLOYMENT

University of Groningen, Groningen, Netherlands
2014–Present Assistant Professor of Music, Department of Arts, Culture, and Media
• “Music in Practice: Music Festivals”
• “Popular Music History and Analysis”
• “The Study of Popular Music: Analytical and Theoretical Approaches”
• MA Seminar, “Music and Globalization”

Max Planck Institute for Human Development, Berlin, Germany
2013–2014 Postdoctoral Research Fellow
• Research Group: “Felt Communities? Emotions in Europe’s Musical Life”
Luis-Manuel Garcia


University of Groningen, Groningen, Netherlands
2012–2013 Substitute Lecturer for Prof. Kristin McGee (Music)
• “The Study of Popular Music: Analytical and Theoretical Approaches”:
  o May 24, 2013: “Disco and Sexuality”
  o March 27, 2013: “Place and Race in Colombian Popular Music”
• MA Seminar: “Globalization and Music”:

Freie Universität, Berlin, Germany
2011–2012 Postdoctoral Research Fellow
• Berlin Program for Advanced German and European Studies
• Project: Ethnographic fieldwork for “The Techno Jetset: Mobility, Tourism, and Class in Berlin’s Electronic Dance Music Scenes”

University of Chicago, Department of Music, Chicago, Illinois
2009–2010 Lecturer
• “Nightlives: Music and Nighttime” (MUSI 23910), a self-designed course with the Whiting Teaching Fellowship
• “Music in Western Civilization I” (MUSI 121)

2008 Lecturer
• Co-Lecturer, MA-level “Theories of Gender and Sexuality” (GNDR 314) with Lauren Berlant
• “Music in Western Civilization I & II” (MUSI 121-2)
• “Introduction to World Music” (MUSI 102)

2006 Course Assistant

University of Toronto, Department of Music, Toronto, Ontario, Canada
2002–2004 Teaching Assistant

ADDITIONAL EMPLOYMENT
Ecole nationale des chartes, Paris, France
2008–2009 Enseignant de langue (Language Instructor)
• Taught advanced English to undergraduate and graduate students, with emphasis on academic speaking and writing.
PROFESSIONAL DEVELOPMENT
2011 SEM-NEH Summer Institute, “Ethnomusicology and Global Culture”,
June 20–July 1
• Society for Ethnomusicology and National Endowment for the
  Humanities
• For the development of classroom pedagogy and projects
  concerning “global culture.”

HONORS AND AWARDS
2011 Lise Waxer Student Paper Prize (Popular Music Section),
Society for Ethnomusicology (Los Angeles, 2010)
2011–2012 Postdoctoral Fellowship, Berlin Program for Advanced German and
  European Studies, Freie Universität, Berlin.
  The Center for Gender Studies, University of Chicago.
2010 Wadmond Research Fund, University of Chicago.
2009 Whiting Teaching Fellowship, University of Chicago.
  University of Chicago, College I.T. and Study Abroad Program.
2008 Wadmond Research Fund, University of Chicago.
  University of Chicago, College I.T. and Study Abroad Program.
2006 Cathy Heifetz Memorial Award, University of Chicago.
2004–2009 Five-year Century Fellowship, University of Chicago.
2003–2004 Canada Graduate Scholarship, Social Sciences and Humanities Research
  Council, Canada.
2003–2004 Gordon Cressey Student Leadership Award, University of Toronto.

PROFESSIONAL ACTIVITIES AND SERVICE
2015 Stream Organizer, with Dorina M. Buda. Conference: “Affect Theory:
  Worldings, Tensions, Futures,” at Millersville University, Lancaster, PA,
October 14–17.  
http://www.affecttheorymu.com/

2014–Present  Secretary. *Opleidingcommissie* (program committee), University of Groningen.


2006–2011  Founding Member and Co-Coordinator. Affective Publics Workshop, University of Chicago.


2010  Session Chair. “Scenes and Communities.” Meeting of the US chapter of the International Association for the Study of Popular Music (IASPM-US), New Orleans, Louisiana, April 10.


2003–2004  Co-President. Music Graduate Students Association, University of Toronto.

2003–2004  Search Committee. Dean of the Faculty of Music, University of Toronto.

2002–2003  Representative (Music). Graduate Student Union, University of Toronto.
2001–2002 Search Committee. Ethnomusicology, Faculty of Music, University of Toronto.

PERFORMANCE/CREATIVE ACTIVITIES


MEMBERSHIPS
American Anthropological Association
American Musicological Society
British Forum for Ethnomusicology
International Association for the Study of Popular Music
International Society for Research on Emotion
Society for Ethnomusicology
Society for Music Theory

SCHOLARLY PUBLICATIONS


“Benitez, John ‘Jellybean’ ”

“Sanchez, Roger”


**TRANSLATIONS**


REVIEWS


PUBLIC OUTREACH / KNOWLEDGE TRANSLATION


**INVITED PRESENTATIONS**


PRESENTATIONS


2014 “At Home I’m a Tourist: Musical Migration and Affective Citizenship in Berlin.” Paper read at the “Urban Soundscapes & Critical Citizenship” conference at the University of Limerick, Ireland, March 27.


2013 “Doing Nightlife and EDM Fieldwork.” Paper read at the Nights2013 conference at the University of Padua, Italy, September 26.

2013 “BerMuDa in Berlin: Techno-Tourism, Music Scenes, and the Scale of Nightlife during the Berlin Music Days.” Paper read at the meeting of the International Association for the Study of Popular Music (IASPM-Intl), Gijón, Spain, June 27.


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<th>Year</th>
<th>Title</th>
<th>Event and Location</th>
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<tr>
<td>2011</td>
<td>“Bouncers and Multiculturalism: Unintegrated Difference and the Political Stakes of Nightlife in Berlin and Paris.” Paper read at the meeting of the American Anthropological Association (AAA), Montréal, Canada, November 16.</td>
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<tr>
<td>2010</td>
<td>“Smooth Experience, Rough Experience.” Paper read at the Joint Meeting of the EthNoise!, Theater and Performance Studies, and Gender and</td>
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Sexualities Workshops of the University of Chicago, Chicago, Illinois, February 8.


LANGUAGES
Fluent:
- French
- Spanish

Advanced:
- German

Moderate:
- Italian

Reading Only / Basic:
- Latin
- Georgian
Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (ii) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (iii) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application Answer to Question 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector. “Music” is a regulated sector comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

DotMusic’s application follows unified principles that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination (See Application Answers to 18).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia. According to Wikipedia:8

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.9


ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.¹⁰

The Berne Convention for the Protection of Literary and Artistic Works¹¹ provides that each of the 168 contracting parties¹² (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other

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¹⁰ http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
¹² http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
countries. This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”.

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”), “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal

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20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See http://www.oxforddictionaries.com/definition/english/mainly and http://www.merriam-webster.com/dictionary/mainly respectively). According to DotMusic, the string .MUSIC relates to the Community by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392).
role with respect to music. IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania, or government

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21 http://www.ifacca.org/membership/current_members/
22 http://www.ifacca.org/strategic_partners/
23 http://www.ifacca.org/strategic_partners/
24 http://www.imc-cim.org/about-imc-separator/who-we-are.html
26 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6),
Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)

27 http://www.culturalpolicies.net/down/albania_012011.pdf
32 http://www.pch.gc.ca/eng/1294862453819/1294862453821
The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception\(^\text{35}\) and has a strong focus on music as outlined in its Strategic Plan\(^\text{36}\) with Congress requested to provide $154,465,000 for fiscal year 2014.\(^\text{37}\)

The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”\(^\text{38}\).

The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.\(^\text{39}\)

In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.\(^\text{40}\)

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide”\(^\text{41}\) whose members\(^\text{42}\) – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member,\(^\text{43}\) represents “approximately 85% of all legitimate recorded music produced and sold in the United States,”\(^\text{44}\) the world’s largest music market with 30% global market share.\(^\text{45}\)

Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

\(^{36}\) NEA Strategic Plan 2012-2016, [www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf](http://www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf)
\(^{38}\) 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, [http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download](http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download), Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
\(^{41}\) [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)
Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.46

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**48 – iTunes accounts for 63% of global digital music market49 - a majority – with a registered community of 800 million registered members50 available in 119 countries who abide to strict terms of service and boundaries51 and have downloaded over 25 billion songs52 from iTunes’ catalog of over 43 million songs53 covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.54

- **Pandora**55 – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.56

- **Spotify**57 – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.58

- **Vevo**59 – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.60

46 [http://a2im.org/about-joining/](http://a2im.org/about-joining/)
47 [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
48 [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)
54 [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)
56 [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)
58 [http://a2im.org/groups/vevo](http://a2im.org/groups/vevo/)
• Youtube\textsuperscript{61} – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,\textsuperscript{62} of which 38.4\% is music-related.\textsuperscript{63}

• Reverbnation\textsuperscript{64} – Reverbnation\textsuperscript{65} is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• BMG\textsuperscript{66} – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.\textsuperscript{67}

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport\textsuperscript{68}), China (China Audio Video Association\textsuperscript{69}) and Germany (Initiative Musik).\textsuperscript{70}

A2IM also has Affiliate\textsuperscript{71} associations within the global music community. These include Affiliates such as MusicFirst,\textsuperscript{72} the Copyright Alliance,\textsuperscript{73} the Worldwide Independent Network (WIN)\textsuperscript{74} and Merlin.\textsuperscript{75}

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.\textsuperscript{76} The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99\% of music actors in Europe which are micro, small and medium sized enterprises.

\textsuperscript{60}http://www.vevo.com/c/EN/US/about
\textsuperscript{61}http://a2im.org/groups/youtube/
\textsuperscript{62}https://www.youtube.com/yt/press/statistics.html
\textsuperscript{63}http://www.researchandmarkets.com/reports/2092499/internet_video_2011_2014_view_share_site_and
\textsuperscript{64}http://a2im.org/groups/reverb-nation/
\textsuperscript{65}http://www.reverbnation.com/about
\textsuperscript{66}http://a2im.org/groups/bmg-rights/
\textsuperscript{67}http://www.bmg.com/category/about-us/history/
\textsuperscript{68}http://a2im.org/groups/french-music-export-office
\textsuperscript{69}http://a2im.org/groups/china-audio-video-association-cava
\textsuperscript{70}http://a2im.org/groups/initiative-musik-gmbh
\textsuperscript{71}http://a2im.org/groups/leg/associate+members/
\textsuperscript{72}http://musicfirstcoalition.org/coalition, The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
\textsuperscript{73}http://www.copyrightalliance.org/members
\textsuperscript{74}http://www.winformusic.org
\textsuperscript{75}http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” – a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support for the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

The International Music Products Association, NAMM, is another globally-recognized and relevant group of non-negligible size that has supported DotMusic. NAMM, formed in 1901, is mainly dedicated to the global music community by representing the international music products industry and community, with globally-recognized members and exhibitors that include Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica, AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanex, AVID, Casio, DW, Sabian, Pearl, Zildjian, Martin, Ludwig, Marshall and others. Every amateur and professional musician worldwide uses music products manufactured and distributed by NAMM’s members. Without these musical instruments and products, music as we know it today would not be created or produced. NAMM and its trade shows power the $17 billion global music products industry serving as a hub for the global music community wanting to seek out the newest innovations in musical products, recording technology, sound and lighting. NAMM’s mission is “to strengthen

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81 https://www.namm.org/files/showdir/ExhibitorList WN15.xls
82 http://www.musictrades.com/global.html
the music products industry and promote the pleasures and benefits of making music.” NAMM also hosts the NAMM Show, the world's largest event for the music products industry.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community. Community members may register a .MUSIC by either:

83 https://www.namm.org/about
85 http://music.us/supporters
86 See http://music.us/nexus
1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

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87 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

*M.Kazantzidis*

Signature: [Redacted]

Name: Dr. Manthos Kazantzidis

Title: Computer Science Ph.D. Research and Development
Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;
2. The organized and delineated logical alliance of communities exists; and
3. The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
According to Wikipedia:\(^8\)

*Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants…and non-commercial participants…and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”…UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music…The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values…Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions…subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.\(^9\)*

**ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:**

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.13 This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music.

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10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

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14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”)\(^{19}\): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.\(^{20}\) IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\(^{21}\) The UNESCO strategic partnership\(^{22}\) is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\(^{23}\)


\(^{20}\) [http://www.ifacca.org/membership/current_members/](http://www.ifacca.org/membership/current_members/)

\(^{21}\) [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)

\(^{22}\) [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)

\(^{23}\) [http://www.imc-cim.org/about-imc-separator/who-we-are.html](http://www.imc-cim.org/about-imc-separator/who-we-are.html)
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.\(^\text{24}\)

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\(^\text{25}\) Other small government Ministries of Culture, such as Albania,\(^\text{26}\) or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,\(^\text{27}\) all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.\(^\text{28}\)

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).\(^\text{29}\)
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

\(^{24}\) U.S Copyright Office, [http://www.copyright.gov/carp/m200a.html](http://www.copyright.gov/carp/m200a.html)

\(^{25}\) 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” ([http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf](http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf)). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerrism Year (1.2.11)

\(^{26}\) [http://www.culturalpolicies.net/down/albania_012011.pdf](http://www.culturalpolicies.net/down/albania_012011.pdf)


organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.  

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.  

- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.  

- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.  

- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”  

- The Singapore Arts Council will fund S$10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.  

- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

30 2011 Annual Report for the Australia Council for the Arts,  
31 2011 Annual Report for Canada Council for the Arts,  
http://www.canadacouncil.ca/NR/rdonlyres/6F7549BB-F4E5-4BB8-95F4-1FF9FAFB9186/0/CanadaCouncilAnnualReport2012_COMPLETE.pdf
32 http://www.pch.gc.ca/eng/1294862453819/1294862453821
33 Department for Culture, The Importance of Music, A National Plan for Music Education,  
34 2011 Annual report for the National Endowment of the Arts,  
35 NEA Strategic Plan 2012-2016,  
www.arts.gov/about/Budget/NEA Strategic Plan 2012-2016.pdf
37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa,  
http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
38 Singapore Arts Council,  
http://www.nac.gov.sg/media-centre/news-releases/news-detail?id=c2db15e2-c319-40ec-939c-d58735d0a91e
Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.40

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**42 – iTunes accounts for 63% of global digital music market43 - a majority – with a registered community of 800 million registered members44 available in 119 countries who abide to strict terms of service and boundaries45 and have downloaded over 25 billion songs46 from iTunes’ catalog of over 43 million songs47 covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.48

- **Pandora**49 – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.50

- **Spotify**51 – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.52

- **Vevo**53 – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.54

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40 [http://a2im.org/about-joining/](http://a2im.org/about-joining/)
41 [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
42 [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)
48 [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)
49 [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)
51 [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)
53 [http://a2im.org/groups/vevo/](http://a2im.org/groups/vevo/)
• Youtube\(^{55}\) – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,\(^{56}\) of which 38.4% is music-related.\(^{57}\)

• Reverbnation\(^{58}\) – Reverbnation\(^{59}\) is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• BMG\(^{60}\) – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.\(^{61}\)

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport\(^{62}\)), China (China Audio Video Association\(^{63}\)) and Germany (Initiative Musik).\(^{64}\)

A2IM also has Affiliate\(^{65}\) associations within the global music community. These include Affiliates such as MusicFirst,\(^{66}\) the Copyright Alliance,\(^{67}\) the Worldwide Independent Network (WIN)\(^{68}\) and Merlin.\(^{69}\)

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.\(^{70}\) The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

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\(^{54}\) http://www.vevo.com/c/EN/US/about
\(^{55}\) http://a2im.org/groups/youtube/
\(^{56}\) https://www.youtube.com/yt/press/statistics.html
\(^{57}\) http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and
\(^{58}\) http://a2im.org/groups/reverb-nation/
\(^{59}\) http://www.reverbnation.com/about
\(^{60}\) http://a2im.org/groups/bmg-rights/
\(^{61}\) http://www.bmg.com/category/about-us/history/
\(^{62}\) http://a2im.org/groups/french-music-export-office
\(^{63}\) http://a2im.org/groups/china-audio-video-association-cava
\(^{64}\) http://a2im.org/groups/initiative-musik-gmbh
\(^{65}\) http://a2im.org/groups/tag/associate-members/
\(^{66}\) http://musicfirstcoalition.org/coalition
\(^{67}\) http://www.copyrightalliance.org/members
\(^{68}\) http://www.winformusic.org
\(^{69}\) http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” — a majority of global music.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community

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73 [http://music.us/supporters](http://music.us/supporters)
74 See [http://music.us/nexus](http://music.us/nexus)
defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential
relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

Signature:

Name: Michael Mauskapf

Title: Researcher

Organization: Kellogg School of Management, Northwestern University

Date: April 15, 2015
About Dr. Michael Mauskapf

Professor, Department of Management and Organizations
Kellogg School of Management
Northwestern University

University of Michigan, Ann Arbor
Ph.D. in Musicology (2012)
M.A. in Historical Musicology (2009)

University of Pennsylvania
B.A. in Music, Magna Cum Laude (2007)

Northwestern University, Kellogg School of Management
Ph.D. in Management and Organizations (expected 2017)
Research Associate, Northwestern Institute on Complex Systems (NICO)

RESEARCH INTERESTS

Organization theory; cultural innovation, production, and consumption; institutional logics, complexity, and contradiction; nonprofit governance and strategy, esp. in the performing arts

PUBLICATIONS

Refereed Articles, Conference Proceedings, & Book Chapters


Under Review

William Ocasio, Michael Mauskapf, and Christopher Steele. “History, Society, and Institutions: The Role of Collective Memory in the Formation of Societal Logics” (R&R at AMR)

Working Papers & Research in Progress

Noah Askin and Michael Mauskapf. “Attribute-based Cultural Networks and their Role in Shaping the Evaluation of Popular Music” (Target: Sociological Science)


“Using Big Data to Study the Dynamics of Innovation, Collaboration, and Competition in Popular Music” (with Noah Askin, Brian Uzzi, Agnes Horvat, and Klaus Weber)

“The Role of Philanthropy in the Professionalization of the Nonprofit Sector” (with Vontrese Deeds)

“Media, Technology, and Conflict in the Performing Arts” (with Daniel Gruber)

Cases


Other Publications (Musicology)


CONFERENCE PRESENTATIONS

“Cultural Attributes and their Influence on Consumption Patterns in Popular Music,” SocInfo2014, Barcelona [November 2014] *Winner of the 2014 Best Presentation Award; Best Paper Award Runner-Up*


“History, Society, and Institutions: The Role of Collective Memory in the Formation of Societal Logics,” European Group on Organizational Studies (EGOS), Rotterdam [July 2014]


“The Effects of Institutional Complexity on Creative Cognition,” AOM, Orlando, FL [August 2013]

“The Generation and Diffusion of Innovation in Cultural Networks,” EGOS, Montreal [July 2013]

“The Effects of Institutional Complexity on Creative Cognition,” EGOS, Montreal [July 2013]


“New York Goes Corporate: The Philharmonic’s Shift to a Nonprofit Operating Model,” Annual Meeting of the American Musicological Society, San Francisco [November 2011] *Covered by the San Francisco Examiner* *

“Music for Whose Good?: El Sistema in America,” GAMMA-UT Conference on Music of the Americas, University of Texas at Austin [March 2011]

“‘Fighting the Good Fight’: Robert Whitney, Charles Farnsley, and the Louisville Orchestra New Music Project,” AMS Midwest Chapter, Chicago [October 2010] *Winner of the 2011 Best Student Paper Award*

“What Inhibits Organizational Change?: The Study of an Orchestra on the Brink,” Annual Meeting of the Academy of Management, Montreal [August 2010]


**INVITED TALKS & WORKSHOP**


“American Symphony Orchestras: Past, Present, and Future,” MIT Music Dept., Boston, MA [November 2014]; also presented at Oberlin College Musicology Dept., Oberlin, OH [April 2013]; Chicago College of Performing Arts (CCPA), Roosevelt University, Chicago, IL [December 2011]


“ReImagining Engagement in the Performing Arts: A Case Study,” Arts of Citizenship Forum, University of Michigan, Ann Arbor [November 2010]

Moderator and panelist for American Orchestras Summit: Creating Partnerships in Research and Performance, University of Michigan, Ann Arbor [January 2010]

“Orchestras as Organizations,” Interdisciplinary Committee on Organizational Studies (ICOS) Lecture Series, Ross School of Business, University of Michigan, Ann Arbor, MI [Jan. 22, 2010]

Pre-concert lectures for performances by the New York Philharmonic, Chicago Symphony Orchestra and other performing arts organizations, [2008–present]
HONORS, AWARDS, & GRANTS

Best Presentation Award, SocInfo 2014
Best Paper Award, SocInfo 2014 (Runner-up)
Conference Travel Grant, The Graduate School, Northwestern University (2014, 2013)
Catalyst Grant, The Graduate School, Northwestern University (2013)
Finalist, Wiley Housewright Dissertation Award, Society for American Music (2012)
Rackham Humanities Candidacy Research Fellowship, University of Michigan (2011)
Rackham International Research Award, University of Michigan (2011; declined)
A-R Editions Award for Best Student Paper given at AMS Midwest (2010–11)
Arts of Citizenship Public Scholarship Fellow, University of Michigan (2010)
Glenn McGeoch Departmental Teaching Award, University of Michigan (2009–10)
Louise E. Cuyler Prize in Musicology, University of Michigan (2009–10)
Interdisciplinary Committee on Organizational Studies (ICOS) Conference Grant (Winter 2010)
Cuyler Travel Award, University of Michigan (2010)
Michigan Student Leadership Award (honorable mention 2009, 2010)
Rackham Summer Research Grant, University of Michigan (2008, 2010)

TEACHING EXPERIENCE

Northwestern University
Teaching Assistant, Management and Organizations (MORS) Department
Leadership in Organizations (Full and Part-Time MBA, Prof. Loran Nordgren) (2014, 2013)
Leading the Strategic Change Process (Executive MBA, Prof. Paul Hirsch) (2014, 2013)
Negotiations (Part-Time MBA, Prof. Nicole Stephens) (2014)

University of Michigan
Graduate Teaching Certificate, Center for Research on Learning and Teaching (2011)
Lecturer, Residential College
Classical Music in America (2010, 4.9/5.0)
Teaching Assistant, Musicology Department
Music Appreciation for non-music majors (2010, 4.8/5.0)
Popular Music survey for non-music majors (2009, 5.0/5.0)
American Music survey for music majors (2009, 5.0/5.0)
World Music survey for music majors (2008, 4.7/5.0)
Western Classical Music survey for music majors (2008, 4.8/5.0)

WORK EXPERIENCE

Symphony Bros., LLC (www.symphonybros.com)
Co-Founder and Managing Partner (2010–present)

University of Michigan, School of Music, Theatre & Dance, Ann Arbor, MI

University Musical Society (UMS), Ann Arbor, MI
Audience Development Intern, Education Department (2009–2011)

Relâche Ensemble, Philadelphia, PA
Intern and Interim Executive Director (2006–2007)

University of Pennsylvania, Department of Music, Philadelphia, PA
Manager, College House Music Program (2004–2007)
Manager, Librarian, and Program annotator, University of Pennsylvania ensembles (2004–2007)

PROFESSIONAL SERVICE

The Academy
Member, Communications Committee, OMT Division (2013–present)
Ad Hoc Reviewer, Organization Science and Organizational Studies (2012–present)

Northwestern University
Co-Organizer, SION Interdisciplinary Graduate Student Workshop (2012–present)
Chair, PhD Student Advisory Committee, MORS Dept. (2014–2015)
Member, PhD Student Admissions Committee, MORS Dept. (2013-2014)
Chair, PhD Student Social Committee, MORS Dept. (2012–2013)

University of Michigan
Executive Director and President, Arts Enterprise @ UM (2008–2010)

Other (Community, Arts and Culture)
Mentor, Minds Matter (http://mindsmatterchicago.org/) (2013–present)
Member, Board of Directors, Lake Shore Symphony Orchestra (2013-2015)
Member, Board of Directors, Arts Enterprise (www.artsenterprise.com) (2010–2012)
Occasional source for Bloomberg News and The Tennessean (2011–present)
Inaugural EmcArts Blogging Fellow (2011)
Member, Cultural Leaders Forum, Ann Arbor Arts Alliance (2008)

PROFESSIONAL MEMBERSHIPS

American Sociological Association (since 2014)
European Group on Organizational Studies (since 2013)
Academy of Management (since 2010)
American Musicological Society (since 2007)
League of American Orchestras (since 2007)
Society for American Music (since 2007)

WEBSITE(S)

http://www.kellogg.northwestern.edu/faculty/mauskapf/index.htm
CV: http://www.kellogg.northwestern.edu/faculty/mauskapf/CV2014.pdf
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter to verify the following facts: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to music.

SUMMARY

Based upon my knowledge of music, the music community and DotMusic’s public statements concerning their .MUSIC community application, DotMusic has established the following facts:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.2

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community. Cumulatively, DotMusic possesses documented support3 from institutions/organizations representing a majority of the defined and recognized Community.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

2 http://music.us/supporters
3 http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.5

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary6) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries7).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;
2. The organized and delineated logical alliance of communities exists; and
3. The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
According to Wikipedia:\(^8\)

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.\(^9\)

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.¹⁰

The Berne Convention for the Protection of Literary and Artistic Works¹¹ provides that each of the 168 contracting parties¹² (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.¹³ This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.20 IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.21 The UNESCO strategic partnership22 is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.23

20 http://www.ifacca.org/membership/current_members/
21 http://www.ifacca.org/strategic_partners/
22 http://www.ifacca.org/strategic_partners/
23 http://www.imc-cim.org/about-imc-separator/who-we-are.html
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.24

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.25 Other small government Ministries of Culture, such as Albania,26 or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,27 all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.28

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).29
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

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25 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
26 http://www.culturalpolicies.net/down/albania _012011.pdf
organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.  

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.

- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.

- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”.

- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.

- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

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30 2011 Annual Report for the Australia Council for the Arts,  

31 2011 Annual Report for Canada Council for the Arts,  


33 Department for Culture, The Importance of Music, A National Plan for Music Education,  

34 2011 Annual report for the National Endowment of the Arts,  

35 NEA Strategic Plan 2012-2016,  
[www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf](http://www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf)


37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa,  
[http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download](http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download), Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)

38 Singapore Arts Council,  

Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\(^\text{40}\)

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**\(^\text{42}\) – iTunes accounts for 63% of global digital music market\(^\text{43}\) - a majority - with a registered community of 800 million registered members\(^\text{44}\) available in 119 countries who abide to strict terms of service and boundaries\(^\text{45}\) and have downloaded over 25 billion songs\(^\text{46}\) from iTunes’ catalog of over 43 million songs\(^\text{47}\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^\text{48}\)

- **Pandora**\(^\text{49}\) – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.\(^\text{50}\)

- **Spotify**\(^\text{51}\) – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.\(^\text{52}\)

- **Vevo**\(^\text{53}\) – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.\(^\text{54}\)

\(^{40}\) [http://a2im.org/about-joining/](http://a2im.org/about-joining/)

\(^{41}\) [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)

\(^{42}\) [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)


\(^{48}\) [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)

\(^{49}\) [http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/](http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/) and [http://phx.corporate-ir.net/ExternalFile?item=UGFvZW50SUQ9MTkxNTM1fENoaWxkSUQ9LTF8VHIwZT0z&t=1](http://phx.corporate-ir.net/ExternalFile?item=UGFvZW50SUQ9MTkxNTM1fENoaWxkSUQ9LTF8VHIwZT0z&t=1), Pg.9

\(^{50}\) [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)

\(^{51}\) [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)


\(^{53}\) [http://a2im.org/groups/vevo/](http://a2im.org/groups/vevo/)
- **Youtube**[^55] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube[^56], of which 38.4% is music-related.[^57]

- **Reverbnation**[^58] – Reverbnation[^59] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

- **BMG**[^60] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^61]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^62]), China (China Audio Video Association[^63]) and Germany (Initiative Musik).[^64] A2IM also has Affiliate[^65] associations within the global music community. These include Affiliates such as MusicFirst,[^66] the Copyright Alliance,[^67] the Worldwide Independent Network (WIN)[^68] and Merlin.[^69]

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.[^70] The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.)

[^55]: [http://a2im.org/groups/youtube/](http://a2im.org/groups/youtube/)
[^58]: [http://a2im.org/groups/reverb-nation/](http://a2im.org/groups/reverb-nation/)
[^59]: [http://www.reverbnation.com/about](http://www.reverbnation.com/about)
[^60]: [http://a2im.org/groups/bmg-rights/](http://a2im.org/groups/bmg-rights/)
[^62]: [http://a2im.org/groups/french-music-export-office](http://a2im.org/groups/french-music-export-office)
[^63]: [http://a2im.org/groups/china-audio-video-association-cava](http://a2im.org/groups/china-audio-video-association-cava)
[^64]: [http://a2im.org/groups/initiative-musik-gmbh](http://a2im.org/groups/initiative-musik-gmbh)
[^65]: [http://a2im.org/groups/tag/associate-members/](http://a2im.org/groups/tag/associate-members/)
[^66]: [http://musicfirstcoalition.org/coalition](http://musicfirstcoalition.org/coalition), The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.[^67]
[^67]: [http://www.copyrightalliance.org/members](http://www.copyrightalliance.org/members)
[^68]: [http://www.winformusic.org](http://www.winformusic.org)
[^69]: [http://www.merlinnetwork.org](http://www.merlinnetwork.org)
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” – a majority of global music.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook ("AGB"), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community

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73 http://music.us/supporters
74 See http://music.us/nexus
defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential
relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

Name: Mike Alleyne
Title: Professor
Organization: Middle Tennessee State University
Date: 7th April, 2015
About Dr. Mike Alleyne

Professor in the Department of Recording Industry

Middle Tennessee State University

Mike Alleyne is a tenured full Professor in the Department of Recording Industry at Middle Tennessee State University (MTSU). He is the author of The Encyclopedia of Reggae: The Golden Age of Roots Reggae (Sterling Publishing, 2012) and contributing editor of Rhythm Revolution (Cognella Academic Publishing, 2013 & 2014). His popular music writings have been published in peer-reviewed journals such as Popular Music History, the Canadian Journal of Latin American and Caribbean Studies, Rock Music Studies, Popular Music & Society, and the Journal on the Art of Record Production.

Professor Alleyne was also a consultant for the Estate of Marvin Gaye in the 2015 copyright infringement trial involving the 2013 hit song “Blurred Lines.” His report as admitted into evidence in the case. His book chapter contributions appear in Rihanna: Barbados World-Gurl in Global Popular Culture (2015), Sound and Music in Film and Visual Media: An Overview (2009), Globalization, Diaspora & Caribbean Popular Culture (2005), Bob Marley: The Man & His Music (2003), and Culture and Mass Communication in the Caribbean (2001). Prof. Alleyne has also contributed several entries to the award-winning Grove Dictionary of American Music (2013), and has also been published in Billboard, the internationally-recognized weekly magazine on the music industry.

Dr. Alleyne’s work has led to guest lectures in Jamaica, Barbados, England, Sweden and Germany, and the presentation of conference papers across the globe. In 2012, he was the guest speaker at the annual Bob Marley Lecture in Kingston, Jamaica, presenting “For The Record: Bob Marley’s Island Albums and the 40th Anniversary of Catch a Fire.” Professor Alleyne has served as the Distinguished Cultural Studies Lecturer & Scholar-in-Residence at the University of the West Indies, Trinidad, and has been a doctoral thesis examiner for that institution’s other campuses. Prof. Alleyne has also been a guest lecturer in the Music Management program at Linnaeus University in Sweden in 2004 & 2007 (formerly the University of Kalmar) and at the Pop Akademie in Germany (2010-2015).

He has presented numerous conference papers on popular music across Europe, Latin America and Africa. Beyond Caribbean popular music, his academic work also encompasses from the history of album cover art. Professor Alleyne’s involvement with popular music also includes his roles as a writer member of ASCAP (American Society of Composers, Authors & Publishers) and PRS (Performing Right Society).

Professor Alleyne is also an Editorial Board member for the journal Popular Music & Society, and a member of the International Association for the Study of Popular Music (IASPM) and the Caribbean Studies Association (CSA).
Popular Music Specialist/Author

BOOKS:

2014

San Diego: Cognella Academic Publishing.

2013

San Diego: Cognella Academic Publishing.

2012


RECENT JOURNAL, DICTIONARY AND BOOK REVIEW PUBLICATIONS:

2014


2013


2011

“Rihanna & The Barbados Music Industry.” Caribbean Creatives 1.2 : 5.

2009


Conference Presentations

Recent journal, dictionary and book review publications:

2014


“Cover Stories: The Reggae Album Cover Art of Tony Wright.” 39th Annual Caribbean Studies Association Conference, Merida, Mexico.

2013


2012

“For The Record: Bob Marley’s Island Albums and the 40th Anniversary of Catch a Fire.” The Annual Bob Marley Lecture, University of the West Indies, Kingston, Jamaica.

2011

“Rihanna & The Barbados Music Industry.” Caribbean Creatives 1.2 : 5.
2009


**Portfolio**

**Rhythm Revolution:**

The essay collection Rhythm Revolution provides a compact but detailed analysis of significant genres, artists, and trends characterizing popular music's evolution after World War II. It addresses the creative, economic, social, and political contexts of key developments in the music itself, and the recording industry.

The book's chronological structure shows interconnections between different developments. Beginning with British rock and pop from the 1950s through the 1970s, the text then pairs the 1960s with soul music, and the 1970s with the rise of fusion and funk. There is a chapter devoted to the roots of reggae, and coverage of the 1980s addresses the expanding role of televised music. In addition, the material provides a wealth of detail on topics not typically covered, including the history of the album cover, and the formation and impact of specific record labels.

Rhythm Revolution is ideal for teachers who want to engage their students in a detailed examination of pivotal eras and turning points. It can be used as a stand-alone text, or as a supplemental reader to standard textbooks on popular music history.

**The Encyclopedia of Reggae: The Golden Age of Roots Reggae:**

This heavily illustrated guide to reggae is a colorful, herbally endowed, and sunsplashed history of one of the world's most popular musical styles. Reggae was born in 1960s Jamaica, a potent mix of such indigenous genres as ska and rocksteady plus R&B, jazz, and traditional African rhythms. Before long, it had conquered the globe, influencing musicians from Britain to Brazil. The Encyclopedia of Reggae focuses on the music's golden age, from the late 1960s to the mid-1980s heyday of dancehall, and features more than 500 images, including rare album art and ephemera. Written by one of the foremost experts on the subject, this amazing resource profiles more than 200 key performers, impresarios, and producers from reggae's history.
Websites:

http://rim.mtsu.edu/faculty_display.php?faculty=malleyne
http://mikealleyneprojects.com/
Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support\(^3\) from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

\(^2\) [http://music.us/supporters](http://music.us/supporters)
\(^3\) [http://music.us/supporters](http://music.us/supporters)
ASSESSMENT OF COMMUNITY DEFINITION, ESTABLISHMENT AND NEXUS

A) **Music Community Definition, Establishment & Community Endorsement**

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) **An Organized, Cohesive, Interdependent Logically-Allied Community:**

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.⁵

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary⁶) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries⁷).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;

2. The organized and delineated logical alliance of communities exists; and

3. The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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⁴ See [http://music.us/establishment](http://music.us/establishment)
According to Wikipedia:\(^8\)

*Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.\(^9\)*

**ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:**

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.¹⁰

The Berne Convention for the Protection of Literary and Artistic Works¹¹ provides that each of the 168 contracting parties¹² (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.¹³ This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

¹⁰ http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
¹² http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
¹³ http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”. Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

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

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

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

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

iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook ("AGB")\(^{19}\): "With respect to "Delineation" and "Extension," it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members." (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.\(^{20}\) IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\(^{21}\) The UNESCO strategic partnership\(^ {22}\) is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\(^ {23}\)

\(^{20}\) [http://www.ifacca.org/membership/current_members/](http://www.ifacca.org/membership/current_members/)
\(^{21}\) [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
\(^{22}\) [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
\(^{23}\) [http://www.imc-cim.org/about-imc-separator/who-we-are.html](http://www.imc-cim.org/about-imc-separator/who-we-are.html)
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.\textsuperscript{24}

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\textsuperscript{25} Other small government Ministries of Culture, such as Albania,\textsuperscript{26} or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,\textsuperscript{27} all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.\textsuperscript{28}

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).\textsuperscript{29}
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

\textsuperscript{24} U.S Copyright Office, \url{http://www.copyright.gov/carp/m200a.html}\textsuperscript{25} 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (\url{http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf}). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aplhrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1\textsuperscript{st} Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.

- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.

- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”

- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.

- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

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32 http://www.pch.gc.ca/eng/1294862453819/1294862453821
37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.  

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes** – iTunes accounts for 63% of global digital music market - a majority – with a registered community of 800 million registered members available in 119 countries who abide to strict terms of service and boundaries and have downloaded over 25 billion songs from iTunes’ catalog of over 43 million songs covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.

- **Pandora** – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.

- **Spotify** – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.

- **Vevo** – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.

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40 [http://a2im.org/about-joining/](http://a2im.org/about-joining/)
41 [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
42 [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)
49 [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)
51 [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)
53 [http://a2im.org/groups/vevo/](http://a2im.org/groups/vevo/)
• **Youtube** – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube, of which 38.4% is music-related.

• **Reverbnation** – Reverbnation is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG** – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport), China (China Audio Video Association and Germany (Initiative Musik)).

A2IM also has Affiliate associations within the global music community. These include Affiliates such as MusicFirst, the Copyright Alliance, the Worldwide Independent Network (WIN) and Merlin.

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

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55 [http://a2im.org/groups/youtube/](http://a2im.org/groups/youtube/)
58 [http://a2im.org/groups/reverb-nation/](http://a2im.org/groups/reverb-nation/)
59 [http://www.reverbnation.com/about](http://www.reverbnation.com/about)
60 [http://a2im.org/groups/bmg-rights/](http://a2im.org/groups/bmg-rights/)
62 [http://a2im.org/groups/french-music-export-office](http://a2im.org/groups/french-music-export-office)
63 [http://a2im.org/groups/china-audio-video-association-cava](http://a2im.org/groups/china-audio-video-association-cava)
64 [http://a2im.org/groups/initiative-musik-gmbh](http://a2im.org/groups/initiative-musik-gmbh)
65 [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
66 [http://musicfirstcoalition.org/coalition](http://musicfirstcoalition.org/coalition). The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
67 [http://www.copyrightalliance.org/members](http://www.copyrightalliance.org/members)
68 [http://www.winiformusic.org](http://www.winiformusic.org)
69 [http://www.merlinnetwork.org](http://www.merlinnetwork.org)
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” – a majority of global music.  

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

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74 http://music.us/supporters
According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries

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75 See [http://music.us/nexus](http://music.us/nexus)
and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the *nexus* of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates *uniqueness* because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the *nexus* of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Name: Nathan Hesselink
Title: Professor of Music
Organization: University of British Columbia
**About Dr. Nathan Hesselink**

*Professor, Ethnomusicology*  
*University of British Columbia*

*PhD in Ethnomusicology (University of London)*  
*MA (Mich.),*  
*BMus (Northwestern),*

**Biography**

Nathan Hesselink’s research broadly encompasses the topic of rhythmic play and social meaning, firstly in South Korean traditional percussion genres and more recently in British rock music. He received his Ph.D. in ethnomusicology from the University of London, SOAS, and was a postdoctoral research fellow in Korean studies at the University of California, Berkeley. In addition to visiting posts at the University of Chicago and the Academy of Korean Studies, in 2012 he was Trinity Term Visiting Research Associate, St John’s College, University of Oxford.

Select publications include *P’ungmul: South Korean Drumming and Dance* (University of Chicago, 2006, winner of the 2008 Lee Hye-Gu Award by the Korean Musicological Society), *SamulNori: Contemporary Korean Drumming and the Rebirth of Itinerant Performance Culture* (University of Chicago, 2012), and “Radiohead’s ‘Pyramid Song’: Ambiguity, Rhythm, and Participation,” *Music Theory Online* (19.1.3, 2013). He is currently Professor of Ethnomusicology at the University of British Columbia and a Research Associate of the Centre for Korean Research.

**Education**

- Interlochen Arts Academy, high school diploma cello performance, 1984
- Northwestern University, BM cello performance, 1988
- University of Michigan-Ann Arbor, MA ethnomusicology, 1992
- University of London-School of Oriental and African Studies, PhD ethnomusicology, 1998

**Posts**

- Instructor of Performance Studies (Korean Percussion), University of London-SOAS, 1996-97
Postdoctoral Research Fellow in Korean Studies, University of California-Berkeley, 1998-99

Assistant Professor of Ethnomusicology, Illinois State University, 1999-2005

Visiting Assistant Professor of Ethnomusicology, University of Chicago, 2003

Professor of Ethnomusicology, University of British Columbia, 2005-present

[2005-2007: Assistant Professor, 2007-2013: Associate Professor]

Advanced Research Fellow in Korean Studies, Academy of Korean Studies (South Korea), 2006

Trinity Term Visiting Research Associate, St John's College, University of Oxford, University of Oxford, 2012

[2011-12: Visiting Scholar, Faculty of Music, University of Oxford]

Publications

Books


Edited Volumes


Chapters in Books


Journal Articles


**Website(s)**

http://music.ubc.ca/person/nathan-hesselink/
https://sites.google.com/site/nathanhesselink/home
https://sites.google.com/site/nathanhesselink/home/resume
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
A) *Music Community Definition, Establishment & Community Endorsement*4

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.5

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary6) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries7).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;

2. The organized and delineated logical alliance of communities exists; and

3. The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See [http://music.us/establishment](http://music.us/establishment)
According to Wikipedia:⁸

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants…and non-commercial participants…and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”…UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.⁹

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties 12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.13 This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music.

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10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN,\textsuperscript{14} ISRC,\textsuperscript{15} ISWC,\textsuperscript{16} ISNI.\textsuperscript{17} (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.\textsuperscript{18}

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

\textsuperscript{14} The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
\textsuperscript{15} The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
\textsuperscript{16} The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
\textsuperscript{17} The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
iii) **International Federations and Organizations Dedicated to Community Functions:**

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music. IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

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21 [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
22 [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
23 [http://www.imc-cim.org/about-imc-separator/who-we-are.html](http://www.imc-cim.org/about-imc-separator/who-we-are.html)
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.\(^\text{24}\)

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\(^\text{25}\) Other small government Ministries of Culture, such as Albania,\(^\text{26}\) or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,\(^\text{27}\) all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.\(^\text{28}\)

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).\(^\text{29}\)
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and...
organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.  

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.  

- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.  

- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.  

- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”.  

- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.  

- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.  

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.  

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32 http://www.pch.gc.ca/eng/1294862453819/1294862453821  
37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)  
Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\(^{40}\)

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a). Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**\(^{42}\) – iTunes accounts for 63% of global digital music market\(^{43}\) - a majority – with a registered community of 800 million registered members\(^{44}\) available in 119 countries who abide to strict terms of service and boundaries\(^{45}\) and have downloaded over 25 billion songs\(^{46}\) from iTunes’ catalog of over 43 million songs\(^{47}\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^{48}\)

- **Pandora**\(^{49}\) – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.\(^{50}\)

- **Spotify**\(^{51}\) – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.\(^{52}\)

- **Vevo**\(^{53}\) – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.\(^{54}\)

\(^{40}\) [http://a2im.org/about-joining/](http://a2im.org/about-joining/)

\(^{41}\) [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)

\(^{42}\) [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)


\(^{48}\) [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)

\(^{49}\) [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)


\(^{51}\) [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)


\(^{53}\) [http://a2im.org/groups/vevo](http://a2im.org/groups/vevo)
• Youtube\textsuperscript{55} – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,\textsuperscript{56} of which 38.4% is music-related.\textsuperscript{57}

• Reverbnation\textsuperscript{58} – Reverbnation\textsuperscript{59} is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• BMG\textsuperscript{60} – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.\textsuperscript{61}

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport\textsuperscript{62}), China (China Audio Video Association\textsuperscript{63}) and Germany (Initiative Musik).\textsuperscript{64}

A2IM also has Affiliate\textsuperscript{65} associations within the global music community. These include Affiliates such as MusicFirst,\textsuperscript{66} the Copyright Alliance,\textsuperscript{67} the Worldwide Independent Network (WIN)\textsuperscript{68} and Merlin.\textsuperscript{69}

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.\textsuperscript{70} The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

\textsuperscript{54}http://www.vevo.com/c/EN/US/about
\textsuperscript{55}http://a2im.org/groups/youtube/
\textsuperscript{56}https://www.youtube.com/yt/press/statistics.html
\textsuperscript{57}http://www.researchandmarkets.com/reports/2092499/internet_video_2011_2014_view_share_site_and
\textsuperscript{58}http://a2im.org/groups/reverb-nation/
\textsuperscript{59}http://www.reverbnation.com/about
\textsuperscript{60}http://a2im.org/groups/bmg-rights/
\textsuperscript{61}http://www.bmg.com/category/about-us/history/
\textsuperscript{62}http://a2im.org/groups/french-music-export-office
\textsuperscript{63}http://a2im.org/groups/china-audio-video-association-cava
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\textsuperscript{65}http://a2im.org/groups/tag/associate+members/
\textsuperscript{66}http://musicfirstcoalition.org/coalition, The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
\textsuperscript{67}http://www.copyrightalliance.org/members
\textsuperscript{68}http://www.winformusic.org
\textsuperscript{69}http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music”[71] – a majority of global music.[72]

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support[73] from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus[74]

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community

[73] http://music.us/supporters
[74] See http://music.us/nexus
defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential
relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

Signature:  

Name:  Paul McMahon  

Title:  Dr  

Organization:  School of Music, Australian National University  

Date:  15 April 2015
About Dr. Paul McMahon

Lecturer in Music,
Performance Convenor
College of Arts and Social Sciences
Australian National University

Education

B. Cr. Arts (Music) (University of Southern Queensland),
Grad. Dip. Mus. (Queensland Conservatorium Griffith University),
M. Mus. (Perf.) (University of Sydney),
PhD (Queensland Conservatorium Griffith University)

Research interests

- Historical performance practice
- Vocal performance and the pedagogy of singing
- Music performance research

Biography

Performing regularly as a soloist with symphony orchestras, chamber music groups & choirs throughout Australia, New Zealand & Asia, tenor Paul McMahon is one of Australia’s leading exponents of Baroque repertoire, particularly the Evangelist role in the Passions of J. S. Bach. Career highlights include Bach’s Matthäus-Passion under Roy Goodman; Haydn’s Die Schöpfung under the late Richard Hickox, and Mozart’s Great Mass in C Minor under Masaaki Suzuki. Paul’s recent collaborations include recitals with the renowned pianists Bengt Forsberg and Kathryn Stott & the Australia Ensemble.

He has appeared as soloist in the festivals of Sydney, Melbourne & Brisbane & has broadcast extensively on ABC Classic FM. He was a member of The Song Company from 1997 to 2001, touring regularly throughout Australia, Asia & Europe. Paul’s discography includes the solo album of lute songs entitled A Painted Tale; a CD & DVD recording of Handel’s Messiah; Monteverdi’s L’Orfeo; Mozart’s Requiem & Idomeneo. He is featured on the Swoon series; various Christmas cds & the soundtrack to feature film The Bank. This season, Paul appears as soloist in Handel’s Messiah (MSO, QSO & the Consort of St George’s Cathedral, Perth).

Other solo appearances include Handel’s Theodora (Canberra Choral Society), Haydn’s Theresienmesse (MSO), Mozart’s Requiem (Auckland Philharmonia), Orff’s Carmina Burana (Sydney Symphony), & Beethoven’s Symphony 9 (Adelaide Symphony Orchestra). Paul holds a PhD & Graduate Diploma of Music (Queensland Conservatorium Griffith University), Master of Music (Performance) (Sydney Conservatorium of Music), & Bachelor of Creative Arts (University of Southern Queensland). In 2002, he was awarded a Churchill Fellowship for intensive study of Baroque repertoire under Marius van Altena at the Royal Conservatoire in The Hague.
Publications

**Book and book chapters**


**Conference Publications (Peer-reviewed)**


**Journal articles (Refereed)**


**Conference Presentations**


**Excellence in Research Australia research portfolio**


**CD recordings (featured soloist)**


**DVD recordings (featured soloist)**


**Selected performances (2005 – 2015)**

• McMahon, Paul G. (2013). Beethoven *Ninth Symphony*, Adelaide Symphony Orchestra. (# R)
• McMahon, Paul G. (2013). Handel *Messiah*, St George’s Cathedral, Perth. (R)
• McMahon, Paul G. (2013). Haydn *Theresienmesse*, Melbourne Symphony Orchestra. (^ R)
• McMahon, Paul G. (2012). Glanville-Hicks *Profiles from China*, Australia Ensemble, Sydney. (* # R)
• McMahon, Paul G. (2012). Handel *Messiah*, St George’s Cathedral, Perth. (R)
• McMahon, Paul G. (2011). Bach *Christmas Oratorio*, St George’s Cathedral, Perth. (R)
• McMahon, Paul G. (2011). Orff *Carmina Burana*, Melbourne Symphony Orchestra. (* # R)
• McMahon, Paul G. (2011). Handel *Messiah*, St George’s Cathedral, Perth. (R)
• McMahon, Paul G. (2011). Bach *Johannes-Passion*, St George’s Cathedral, Perth. (R)
• McMahon, Paul G. (2010). Handel *Messiah*, Auckland Choral. (R)
McMahon, Paul G. (2010). Mozart *Requiem*, St George’s Cathedral, Perth. (R)
McMahon, Paul G. (2007). Britten *Canticle II*, Australian Festival of Chamber Music, Townsville. (*#)

*Key:

ERA FoR Code: 190407

# recorded by ABC Classic FM

^ archival recording

R review/s published
Website(s)

https://researchers.anu.edu.au/researchers/mcmahon-p

http://www.paulmcmahon.com.au
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (ii) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (iii) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide. 

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

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2 [http://music.us/supporters](http://music.us/supporters)
3 [http://music.us/supporters](http://music.us/supporters)
ASSESSMENT OF COMMUNITY DEFINITION, ESTABLISHMENT AND NEXUS

A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application Answer to Question 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector. “Music” is a regulated sector comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

DotMusic’s application follows unified principles that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination (See Application Answers to 18).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

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4 See http://music.us/establiishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia. According to Wikipedia:\(^8\)

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.\(^9\)

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ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other

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10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
countries. This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

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13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

### iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal

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20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See [http://www.oxforddictionaries.com/definition/english/mainly](http://www.oxforddictionaries.com/definition/english/mainly) and [http://www.merriam-webster.com/dictionary/mainly](http://www.merriam-webster.com/dictionary/mainly) respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ta_ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?ta_ac=1392)).
role with respect to music. IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or S.0175 per minute for songs that are over five minutes long.

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania, or government

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21 [http://www.ifacca.org/membership/current_members/](http://www.ifacca.org/membership/current_members/)
22 [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
23 [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
24 [http://www.imc-cim.org/about-imc-separator/who-we-are.html](http://www.imc-cim.org/about-imc-separator/who-we-are.html)
25 U.S Copyright Office, [http://www.copyright.gov/carpt/m200a.html](http://www.copyright.gov/carpt/m200a.html)
26 [2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music”](http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6),
Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)

27 http://www.culturalpolicies.net/down/albania_012011.pdf
30 2011 Annual Report from New Zealand Ministry of Culture:
31 2011 Annual Report for the Australia Council for the Arts,
33 http://www.pch.gc.ca/eng/1294862453819/1294862453821
34 Department for Culture, The Importance of Music, A National Plan for Music Education,
• The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.

• The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”.

• The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.

• In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide” whose members – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member, represents “approximately 85% of all legitimate recorded music produced and sold in the United States,” the world’s largest music market with 30% global market share. Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”
Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\(^{46}\)

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**\(^{48}\) – iTunes accounts for 63% of global digital music market\(^{49}\) - a majority – with a registered community of 800 million registered members\(^{50}\) available in 119 countries who abide to strict terms of service and boundaries\(^{51}\) and have downloaded over 25 billion songs\(^{52}\) from iTunes’ catalog of over 43 million songs\(^{53}\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^{54}\)

- **Pandora**\(^{55}\) – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.\(^{56}\)

- **Spotify**\(^{57}\) – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.\(^{58}\)

- **Vevo**\(^{59}\) – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.\(^{60}\)

\(^{46}\) [http://a2im.org/about-joining/](http://a2im.org/about-joining/)

\(^{47}\) [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)

\(^{48}\) [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)


\(^{50}\) [http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt](http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt)


\(^{55}\) [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)


\(^{57}\) [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)


\(^{59}\) [http://a2im.org/groups/vevo/](http://a2im.org/groups/vevo/)
• **Youtube**[^1] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,[^2] of which 38.4% is music-related.[^3]

• **Reverbnation**[^4] – Reverbnation[^5] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**[^6] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^7]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^8]), China (China Audio Video Association[^9]) and Germany (Initiative Musik).[^10] A2IM also has Affiliate[^11] associations within the global music community. These include Affiliates such as MusicFirst,[^12] the Copyright Alliance,[^13] the Worldwide Independent Network (WIN)[^14] and Merlin.[^15] A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.[^16] The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

[^1]: http://www.vevo.com/c/EN/US/about
[^2]: http://a2im.org/groups/youtube/
[^5]: http://a2im.org/groups/reverb-nation/
[^6]: http://www.reverbnation.com/about
[^7]: http://a2im.org/groups/bmg-rights/
[^8]: http://www.bmg.com/category/about-us/history/
[^9]: http://a2im.org/groups/french-music-export-office
[^10]: http://a2im.org/groups/china-audio-video-association-caya
[^11]: http://a2im.org/groups/initiative-musik-gmbh
[^12]: http://a2im.org/groups/tag/associate-members/
[^13]: http://musicfirstcoalition.org/coalition
[^14]: http://www.copyrightalliance.org/members
[^15]: http://www.winformusic.org
[^16]: http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” – a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

The International Music Products Association, NAMM, is another globally-recognized and relevant group of non-negligible size that has supported DotMusic. NAMM, formed in 1901, is mainly dedicated to the global music community by representing the international music products industry and community, with globally-recognized members and exhibitors that include Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica, AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanex, AVID, Casio, DW, Sabian, Pearl, Zildjian, Martin, Ludwig, Marshall and others. Every amateur and professional musician worldwide uses music products manufactured and distributed by NAMM’s members. Without these musical instruments and products, music as we know it today would not be created or produced. NAMM and its trade shows power the $17 billion global music products industry serving as a hub for the global music community wanting to seek out the newest innovations in musical products, recording technology, sound and lighting. NAMM’s mission is “to strengthen

81 https://www.namm.org/files/showdir/ExhibitorList WN15.xls
82 http://www.musictrades.com/global.html
the music products industry and promote the pleasures and benefits of making music." NAMM also hosts the NAMM Show, the world's largest event for the music products industry.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook ("AGB"), to receive the maximum score for Nexus, the applied-for string -- "music" -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community. Community members may register a .MUSIC by either:

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83 https://www.namm.org/about
85 http://music.us/supporters
86 See http://music.us/nexus
1) Identifying that they belong to a Music Community Member Organization ("MCMO"); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

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87 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See [https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf](https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf) Pg.7)
In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Signature: 

Name: Rachel Resop

Title: PhD

Organization: University of California, Los Angeles
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² [http://music.us/supporters](http://music.us/supporters)
³ [http://music.us/supporters](http://music.us/supporters)
A) *Music Community Definition, Establishment & Community Endorsement*

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.⁵

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary⁶) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries⁷).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;
2. The organized and delineated logical alliance of communities exists; and
3. The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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⁴ See [http://music.us/establishment](http://music.us/establishment)
According to Wikipedia:  

**Music community** is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.13 This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html  
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15  
13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”. Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
iii) **International Federations and Organizations Dedicated to Community Functions:**

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music. IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

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21 [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
22 [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
23 [http://www.imc-cim.org/about-imc-separator/who-we-are.html](http://www.imc-cim.org/about-imc-separator/who-we-are.html)
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.\[^{24}\]

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\[^{25}\] Other small government Ministries of Culture, such as Albania,\[^{26}\] or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,\[^{27}\] all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.\[^{28}\]

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).\[^{29}\]
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

\[^{24}\] U.S Copyright Office, [http://www.copyright.gov/carp/m200a.html](http://www.copyright.gov/carp/m200a.html)
\[^{25}\] 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” ([http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf](http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf)). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
\[^{26}\] [http://www.culturalpolicies.net/down/albania_012011.pdf](http://www.culturalpolicies.net/down/albania_012011.pdf)
organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.  

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.
- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.
- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”
- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.
- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

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32 http://www.pch.gc.ca/eng/1294862453819/1294862453821
37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes** – iTunes accounts for 63% of global digital music market - a majority with a registered community of 800 million registered members available in 119 countries who abide to strict terms of service and boundaries and have downloaded over 25 billion songs from iTunes’ catalog of over 43 million songs covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.

- **Pandora** – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.

- **Spotify** – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.

- **Vevo** – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.

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40 http://a2im.org/about-joining/
41 http://a2im.org/groups/tag/associate+members/
42 http://a2im.org/groups/itunes
44 http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt
47 https://www.apple.com/itunes/features/
48 http://a2im.org/groups/pandora
49 http://a2im.org/groups/spotify
51 http://a2im.org/groups/vevo/
• **Youtube**[^55] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube[^56], of which 38.4% is music-related.[^57]

• **Reverbnation**[^58] – Reverbnation[^59] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**[^60] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^61]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (Bureau Export[^62]), China (China Audio Video Association[^63]) and Germany (Initiative Musik).[^64] A2IM also has Affiliate[^65] associations within the global music community. These include Affiliates such as MusicFirst[^66], the Copyright Alliance[^67], the Worldwide Independent Network (WIN)[^68] and Merlin.[^69]

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.[^70] The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

[^55]: [http://a2im.org/groups/youtube/](http://a2im.org/groups/youtube/)
[^58]: [http://a2im.org/groups/reverb-nation/](http://a2im.org/groups/reverb-nation/)
[^59]: [http://www.reverbnation.com/about](http://www.reverbnation.com/about)
[^60]: [http://a2im.org/groups/bmg-rights/](http://a2im.org/groups/bmg-rights/)
[^62]: [http://a2im.org/groups/french-music-export-office](http://a2im.org/groups/french-music-export-office)
[^63]: [http://a2im.org/groups/china-audio-video-association-caya](http://a2im.org/groups/china-audio-video-association-caya)
[^64]: [http://a2im.org/groups/initiative-musik-gmbh](http://a2im.org/groups/initiative-musik-gmbh)
[^65]: [http://a2im.org/groups/tag/associate-members/](http://a2im.org/groups/tag/associate-members/)
[^66]: [http://musicfirstcoalition.org/coalition](http://musicfirstcoalition.org/coalition)
[^67]: [http://www.copyrightalliance.org/members](http://www.copyrightalliance.org/members)
[^68]: [http://musicfirstcoalition.org/coalition](http://musicfirstcoalition.org/coalition)
[^69]: [http://www.merlinnetwork.org](http://www.merlinnetwork.org)
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” – a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

74 http://music.us/supporters
B) Nexus

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic.

There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries

75 See http://music.us/nexus
and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the *nexus* of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the *nexus* of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Signature: 

Name: Dr. Shain Shapiro

Title: Managing Director

Organization: Sound Diplomacy
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.2

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support3 from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

2 http://music.us/supporters
3 http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;
2. The organized and delineated logical alliance of communities exists; and
3. The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
According to Wikipedia:  

*Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.*

**ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:**

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.13 This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

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

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

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

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

iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”):19 “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly20 dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.21 IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and

20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See http://www.oxforddictionaries.com/definition/english/mainly and http://www.merriam-webster.com/dictionary/mainly respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392).
21 http://www.ifacca.org/membership/current_members/
influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania or government Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

References:
22 http://www.ifacca.org/strategic_partners/
23 http://www.ifacca.org/strategic_partners/
24 http://www.imc-cim.org/about-imc-separator/who-we-are.html
26 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
27 http://www.culturalpolicies.net/down/albania_012011.pdf
Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).  

- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs. 

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.

- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.

- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”.

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36 NEA Strategic Plan 2012-2016, [www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf](http://www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf)


38 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, [http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF](http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF), Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.\(^\text{39}\)

In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.\(^\text{40}\)

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\(^\text{41}\)

The reach of A2IM Associate\(^\text{42}\) membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**\(^\text{43}\) – iTunes accounts for 63% of global digital music market\(^\text{44}\) - a majority – with a registered community of 800 million registered members\(^\text{45}\) available in 119 countries who abide to strict terms of service and boundaries\(^\text{46}\) and have downloaded over 25 billion songs\(^\text{47}\) from iTunes’ catalog of over 43 million songs\(^\text{48}\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^\text{49}\)

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\(^{41}\) [http://a2im.org/about-joining/](http://a2im.org/about-joining/)

\(^{42}\) [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)

\(^{43}\) [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)


• **Pandora** – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.

• **Spotify** – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.

• **Vevo** – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.

• **Youtube** – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube, of which 38.4% is music-related.

• **Reverbnation** is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG** – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport), China (China Audio Video Association) and Germany (Initiative Musik). A2IM also has Affiliate associations within the global music community. These include Affiliates such as MusicFirst, the Copyright Alliance, the Worldwide Independent Network (WIN) and Merlin.

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50 [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)
52 [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)
54 [http://a2im.org/groups/vevo/](http://a2im.org/groups/vevo/)
56 [http://a2im.org/groups/youtube/](http://a2im.org/groups/youtube/)
59 [http://a2im.org/groups/reverb-nation/](http://a2im.org/groups/reverb-nation/)
60 [http://www.reverbnation.com/about](http://www.reverbnation.com/about)
61 [http://a2im.org/groups/bmg-rights/](http://a2im.org/groups/bmg-rights/)
63 [http://a2im.org/groups/french-music-export-office](http://a2im.org/groups/french-music-export-office)
64 [http://a2im.org/groups/china-audio-video-association-cava](http://a2im.org/groups/china-audio-video-association-cava)
65 [http://a2im.org/groups/initiative-musik-gmbh](http://a2im.org/groups/initiative-musik-gmbh)
66 [http://a2im.org/groups/tag/associate-members/](http://a2im.org/groups/tag/associate-members/)
67 [http://musicfirstcoalition.org/coalition](http://musicfirstcoalition.org/coalition), The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
68 [http://www.copyrightalliance.org/members](http://www.copyrightalliance.org/members)
69 [http://www.winformusic.org](http://www.winformusic.org)
A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.\textsuperscript{71} The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99\% of music actors in Europe which are micro, small and medium sized enterprises.

Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a \textit{majority} of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

The IFPI is another entity \textit{mainly} dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “\textit{voice of the recording industry worldwide}”\textsuperscript{72} whose members\textsuperscript{73} – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member,\textsuperscript{74} represents “approximately 85\% of all legitimate recorded music produced and sold in the United States,”\textsuperscript{75} the world’s largest music market with 30\% global market share.\textsuperscript{76} Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80\% of the world’s music”\textsuperscript{77} – a \textit{majority} of global music.\textsuperscript{78}

\textsuperscript{70} \url{http://www.merlinnetwork.org}
\textsuperscript{72} \url{http://www.ifpi.org/about.php}
\textsuperscript{73} \url{http://www.ifpi.org/our-members.php}
\textsuperscript{74} \url{http://www.ifpi.org/national-groups.php}
\textsuperscript{75} \url{http://www.riaa.com/faq.php}
\textsuperscript{76} \url{http://www.statista.com/topics/1639/music/}
\textsuperscript{77} \url{https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf}, Pg.1
\textsuperscript{78} \url{https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf}, Pg.3, Appendix A
Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music

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81 http://music.us/supporters
82 See http://music.us/nexus
entities to be included as part of the Community. Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as

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83 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

Sharon A Chanley, PhD

Signature:

Name: Sharon Chanley

Title: Instructor

Organization: AZ State University
EDUCATION

Ph.D., Public Administration

Master of Public Administration
Arizona State University, School of Public Affairs, Tempe, AZ. August, 1996.

Southwest Texas State University, Political Science Department; Master of Public Administration program with concentration in Legal and Judicial Administration. 15 hours completed.

Bachelor of Liberal Studies

Austin Community College, Austin, Texas, Fall 1973 – Summer 1980 and University of Texas, Austin, Texas, Summer 1973

ACADEMIC POSITIONS

AZ State University
College of Letters and Sciences, Interdisciplinary and Liberal Studies
Faculty Associate
Spring 2015 – Current

Developing and teaching undergraduate online courses in Liberal Studies.

Upper Iowa University
Online
Master of Public Administration and Online Undergraduate Programs
Online Instructor, Assessment Consultant, and Member, MPA Faculty Advisory Committee
Summer 2008 – Current

Developing and teaching graduate and undergraduate online courses in the area of public policy and in the MPA program core including in the nonprofit management emphasis area, and for program's capstone course. Developing and analyzing program assessment materials including student writing and critical thinking assessments, NASPPA Accreditation Self-Study materials, faculty development information.

Active member of the MPA Faculty Advisory Committee providing guidance to the MPA Program Coordinator on program policies and other governance issues.
Consultant to assist MPA Program Coordinator in development of materials for NASPPA accreditation and program assessment tools and analyses.

**Thomas Edison State College**

Online Mentor  
Summer 2009 - Current

Teaching undergraduate online course in career exploration and personal development.

**South University**

Master of Public Administration program  
Subject Matter Expert  
Online Faculty  
Summer 2008 – 2013

Provided consultation services to director of online and blended programs regarding curriculum for master in public administration program. Online course developer for *grant writing and contract administration* and *foundations to public administration*.

Teaching in the online MPA program including courses in the public administration core and in the nonprofit concentration.

**Western Illinois University**

Macomb IL  
Political Science Department  
Visiting Instructor  
Fall 2008 – May 15, 2009

Taught undergraduate courses in the area of public policy and political science including Introduction to Public Policy, State Government and Politics, and Environmental Politics.

**Norwich University**

Northfield VT  
Master of Public Administration & Justice Administration programs  
Senior Instructor and Online Course Developer  
Fall 2007 – Fall 2008

Taught the online Capstone course and seminars in Justice Policy for the Masters in Justice Administration program and to begin teaching seminars in the Masters in Public Administration program. Developed online course in nonprofit management and designed the curriculum for the public works administration concentration for graduate students.

**Bucknell University**

Lewisburg PA  
Women’s and Gender Studies Visiting Assistant Professor  
Teaching Fellow Social Justice College
January – December 2006

Taught undergraduate core courses including Introduction in Feminist Thought and Introduction to Women’s and Gender Studies as well as special topics, Women and Public Policy. In addition, taught first year residential student Foundation Seminar for students in the Social Justice College.

**University Of Illinois At Springfield**  
Springfield IL  
Liberal Studies/Individual Option Programs  
Assistant Professor  
2000 – 2005

Taught core courses at the undergraduate and graduate levels including introductory courses in which students design their degree programs and closure courses. Teach undergraduate and graduate courses in my discipline. Advise students on course selection and other issues. Serve as committee chair for Individual Option committees. Serve as member of Master’s thesis committees from other program. Conduct scholarly activities including publications in peer-reviewed journals. Participate in governance activities at program, college, and university levels.

Credit For Prior Learning Program  
Director  
2001 – 2005

Taught core course related to experiential learning and to assist students develop portfolio-based requests for credit. Promote Credit for Prior Learning throughout university. Administer the program including planning, policy, and budget.

**Arizona State University**  
Tempe AZ  
Women’s Studies Program  
Instructor  
1998 - 2000

Taught first year, sophomore, and junior levels of women’s studies core and elective courses. Coordinated the women’s studies senior internship program and taught related course.

**OTHER INSTITUTIONS**

As my schedule has allowed, I have taught and developed courses, on-contract, for other institutions including: Mississippi University for Women (2011), Ashford University (2010-2011), New England College (2009), and Empire State College (2007). Courses included undergraduate and graduate courses in state and local government, public budgeting, budgeting and finance, economic analysis, poverty and race policy, American public policy, and American government.
MANAGEMENT & ADMINISTRATIVE PROFESSIONAL EXPERIENCE

ARIZONA COALITION AGAINST DOMESTIC VIOLENCE
Phoenix, AZ
Executive Director
1993-1995
Consulting Finance Officer
1997

Chief Executive Officer for statewide non-profit organization with annual budget of $125,000, fifteen member Board of Directors and 3 full-time employees.

Fund Raising and Community Affairs: Increased annual agency budget by $35,000. Doubled membership including increased participation to 90% of state shelter programs. Increased agency community visibility and impact through membership on other statewide organizations addressing issues of domestic violence. Reestablished positive working relationships with regional domestic violence task forces and other key community groups. Established first battered women’s and first women of color advisory committees. Established legislative alert network and conducted lobbying activities at the state and national level related to domestic violence laws and funding of related programs and services. Significantly increased agency and issue visibility through speaking engagements and statewide media interviews.

Program Management: Established first program for the Coalition to address technical assistance needs of shelter programs. Coordinated first statewide conference, held in three cities, on domestic violence. Doubled referrals provided to victims of domestic violence. Established resource library on domestic violence issues.

Administration and Management: Redesigned organization structure from general membership organization to one that operates primarily through standing and advisory committees with a Board of Directors to provide more internal oversight of agency activities and to ensure representation of diverse groups and organizations including battered women and women of color. Renegotiated improved contracts with AZ Department of Health Services and AZ Department of Economic Security. Redesigned agency budgeting and financial reporting systems.

Consulting Finance Officer: Responsible for entry and reconciliation of accounting data and information for 14 month period covering portions of two previous fiscal years. Preparation of financial reports for Board of Directors, funding sources and other regulatory agencies and for independent audit. Assisted new Executive Director with the development of funding applications and budgets during transition period from the previous interim director.

ARIZONA FAMILY PLANNING COUNCIL
Phoenix, AZ
Grants Administrator
1990-1993

Grants Administrator responsible for administration of $2 million Title X statewide family planning grant and contracts with delegate agencies including program and fiscal evaluations, contract development and review of compliance with federal, state and Council regulations and policies.
Service Management: Provided direct consultation to delegate agencies and other family planning providers regarding service delivery and program management. Maintained and developed systematic procedures for distribution of up-to-date information regarding family planning and related services, unmet need, policies, programs and developments in the field. Revised format and prepared for publication an annual statistical report on family planning services provided throughout Arizona.

Financial and Administration: Revised delegate agency peer review process and evaluation document. Revised grant application format and delegate reporting requirements and system. Responsible for increasing funding to Council during 1992 by $10,710 through contracts from the U.S. Department of Health & Human Services Region IX Office of Family Planning and the Arizona Department of Health Services, Division of Maternal and Child Health.

LAPIS CONSULTING SERVICE
Austin, TX
Owner/Consultant
1980-1990

Consultant and trainer for non-profit organizations in fund raising, personnel management, program evaluation, planning, budgeting, and Board development. Consultant under contract with U.S. Department of Health and Human Services in program, service and grant management evaluations.

Consultant to private businesses in office organization, record-keeping systems, personnel management, and design/implementation of accounting and financial management systems.

Training of personnel in computer applications including word processing, database, accounting, and spread sheet programs.

Direct fund raising for non-profit organizations, political candidates, and individuals including paid fundraiser for successful Austin City Council campaign for George Humphrey and for child custody legal case for lesbian friend being challenged for custody based on her sexual preference.

AUSTIN WOMEN'S CENTER
Austin, TX
Executive Director
1985-1987

Chief Executive Officer for non-profit organization with annual budget of $450,000, 15 member Board of Directors, 15 paid employees and 45 volunteers.

Service Management: Implemented program expansion including a demonstration project for employment services to AFDC mothers (Project Self Sufficiency). Reorganized service delivery model and personnel/management structure. Increased client recruitment activities, expanded existing programs to include broader scope of services, and increased access for clients, particularly minority group men and women.

Financial & Administration: Developed and revised administrative systems; budget and financial management procedures; and, personnel and Board policies.
PLANNED PARENTHOOD OF AUSTIN
Austin, TX
Executive Director
1980-1985
Acting Executive Director
1980
Director of Support Services
1976-1980)

Chief Executive Officer of non-profit organization with annual budget of $1,000,000; 35 member Board of Directors; 28 paid employees; and, 65 volunteers.

Service Management: Expanded government subsidized family planning services. Secured funding for and opened two additional self-supporting centers. Doubled client medical services. Established tubal ligation service program coordinating government funding, private foundation support, and low-cost physician and hospital services.

Fund Raising & Community Affairs: Developed fund raising program that increased private funding from $12,000 in 1980 to, in 1984, $110,000 for operations, $16,000 for special programs, and $100,000 for a building fund. Public speaking before community groups, media interviews, news conferences and presented testimony before funding sources and Texas Legislative sub-committees.

Financial & Administration: Increased annual operating budget from its 1980 level of $400,000 to its 1984/85 total of just over $1,000,000. Designed planning process including documents and monitoring and reporting systems utilized as models by the Planned Parenthood Federation of America--Southern Regional office and the Travis County Department of Human Services.

GRANTS


A variety of public and private grants and contracts awarded to organizations for which I worked including programs for family planning, domestic violence, and job training (1975-1995).

OTHER EXPERIENCE

ARIZONA STATE UNIVERSITY
Tempe, AZ
Dean's Office 1995-1998
College Of Public Programs
Student Academic Specialist (1997-1998)
Graduate Associate (1996-1997)
Graduate Assistant (1994-1996)

UNIVERSITY OF TEXAS
Austin, TX
LBJ School Of Public Affairs And Government Department 1989-1993
SOUTHWEST TEXAS STATE UNIVERSITY San Marcos, TX
Political Science Department 1989-1993
Research Assistant
Landon Curry, Ph.D.

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Austin, TX
Government Department 1989
Research Assistant
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SOUTHWEST TEXAS STATE UNIVERSITY
San Marcos, TX
Political Science Department 1989-1990
Research Assistant
Ray Leal, Ph.D.

AUSTIN-TRAVIS COUNTY HEALTH DEPARTMENT
Accountant Clerk 1970-1976

PUBLICATIONS


HONORS and AWARDS

Nominated for Arizona State University's College of Liberal Arts and Sciences "Distinguished Teaching Award," 2000


Outstanding DPA Graduate Paper, Spring, 1999, for paper entitled "Cost/Benefit Analysis of a Domestic Violence Shelter in a Rural Community" co-authored with Jesse J. Chanley, Jr. Carried $1,000 stipend.


Preparing Future Faculty Fellow, Fall, 1998.


Pi Alpha Alpha National Public Administration Honorary Society, 1997
Outstanding MPA Graduate Paper, April 1996, for research design entitled: "Employee Burnout in Domestic Violence Shelter Workers.” Carried $500 stipend.

CONFERENCE PRESENTATIONS and PARTICIPATION

Panel: Theory and Practice Of Service Learning, Discussant


Revised March 26, 2015
Dear ICANN and Economist Intelligence Unit ("EIU"):

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to
their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one
entity dedicated to the community supporting DotMusic’s application.
Such documented Support includes several “international federation of
national communities of a similar nature,” music coalitions and others that
are strongly associated with “music,” which represent a majority of the
Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for
string because it represents the entire global Music Community – a
community that pre-existed 2007 with a size in the considerable millions
of constituents. The “Music Community” definition -- which incorporates
the strict fundamental attributes of a closely united Community definition
that is “organized” and “delineated” -- ensures that all of its constituent
members have a requisite awareness of the community as defined,
including both commercial and non-commercial stakeholders, to register a
.MUSIC domain without any conflicts of interests, over-reaching or
discrimination.

6) DotMusic has received support from the largest coalition of Music
Community member organizations ever assembled to support a cause.
Such unparalleled global Music Community support represents an
overwhelming majority of the global Music Community as defined.
Cumulatively, DotMusic possesses documented support³ from
institutions/organizations representing a majority of the Community as
defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and
Support criteria for the “Music” string. The inclusion and representation of every music
constituent type is paramount to the articulated purpose of the string. DotMusic and its
application’s global Music Community supporters substantiate that every type of music
constituent contributes to the function and operation of the music sector within a regulated
framework. The symbiotic nature of the Community as defined and structured means that
“Music” would not function as it does today without the participation of all music constituent
types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
A) *Music Community Definition, Establishment & Community Endorsement*

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) *An Organized, Cohesive, Interdependent Logically-Allied Community:*

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.5

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary6) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries7).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;
2. The organized and delineated logical alliance of communities exists; and
3. The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See [http://music.us/establishment](http://music.us/establishment)
According to Wikipedia:  

*Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.*  

**ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:**

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.\(^\text{10}\)

The Berne Convention for the Protection of Literary and Artistic Works\(^\text{11}\) provides that each of the 168 contracting parties\(^\text{12}\) (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.\(^\text{13}\) This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

\(^{10}\) [http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html](http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html)


communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

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

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

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

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

iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music. IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

20 http://www.ifacca.org/membership/current_members/
21 http://www.ifacca.org/strategic_partners/
22 http://www.imc-cim.org/about-imc-separator/who-we-are.html
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.\[24\]

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\[25\] Other small government Ministries of Culture, such as Albania,\[26\] or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,\[27\] all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.\[28\]

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).\[29\]
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

\[24\] U.S Copyright Office, \url{http://www.copyright.gov/carp/m200a.html}
\[25\] 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” \url{(http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf)}. Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
\[26\] \url{http://www.culturalpolicies.net/down/albania_012011.pdf}
\[27\] 2010-11 Annual Report from India Ministry of Culture, \url{http://www.indiaculture nic.in/hindi/pdf/Culture-AnRe-2010-2011(Eng).pdf}
\[28\] \url{http://my.midem.com/en/contact-us/pavilion-representatives/}
organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.  

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.

- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.

- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”

- The Singapore Arts Council will fund S$10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.

- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

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32 http://www.pch.gc.ca/eng/1294862453819/1294862453821


37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)


Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.40

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**42 – iTunes accounts for 63% of global digital music market43 - a majority – with a registered community of 800 million registered members44 available in 119 countries who abide to strict terms of service and boundaries45 and have downloaded over 25 billion songs46 from iTunes’ catalog of over 43 million songs47 covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.48

- **Pandora**49 – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.50

- **Spotify**51 – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.52

- **Vevo**53 – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.54

40 http://a2im.org/about-joining/
41 http://a2im.org/groups/tag/associate+members/
42 http://a2im.org/groups/itunes
44 http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt
47 https://www.apple.com/itunes/features/
48 http://a2im.org/groups/pandora
49 http://a2im.org/groups/spotify
51 http://a2im.org/groups/vevo/
• **Youtube**[^55] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube[^56], of which 38.4% is music-related.[^57]

• **Reverbnation**[^58] – Reverbnation[^59] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**[^60] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^61]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^62]), China (China Audio Video Association[^63]) and Germany (Initiative Musik).[^64] A2IM also has Affiliate[^65] associations within the global music community. These include Affiliates such as MusicFirst[^66], the Copyright Alliance[^67], the Worldwide Independent Network (WIN)[^68] and Merlin[^69].

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.[^70] The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries. Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

[^55]: [http://a2im.org/groups/youtube/](http://a2im.org/groups/youtube/)
[^58]: [http://a2im.org/groups/reverb-nation/](http://a2im.org/groups/reverb-nation/)
[^59]: [http://www.reverbnation.com/about](http://www.reverbnation.com/about)
[^60]: [http://a2im.org/groups/bmg-rights/](http://a2im.org/groups/bmg-rights/)
[^62]: [http://a2im.org/groups/french-music-export-office](http://a2im.org/groups/french-music-export-office)
[^63]: [http://a2im.org/groups/china-audio-video-association-caya](http://a2im.org/groups/china-audio-video-association-caya)
[^64]: [http://a2im.org/groups/initiative-musik-gmbh](http://a2im.org/groups/initiative-musik-gmbh)
[^65]: [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
[^66]: [http://musicfirstcoalition.org/coalition](http://musicfirstcoalition.org/coalition), The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
[^67]: [http://www.copyrightalliance.org/members](http://www.copyrightalliance.org/members)
[^68]: [http://www.winformusic.org](http://www.winformusic.org)
[^69]: [http://www.merlinnetwork.org](http://www.merlinnetwork.org)
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” – a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

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74 http://music.us/supporters
B) Nexus

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries

75 See http://music.us/nexus
and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the *nexus* of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates *uniqueness* because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the *nexus* of the Community and the string is *not* regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would *not* constitute a qualifying Community membership and would be *ineligible* for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would *not* function as it does today without the participation of all music constituent types which cumulatively *match* the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Signature:

Name: Tom ter Bogt

Title: prof. dr.

Organization: Utrecht University
About Professor Dr. Tom ter Bogt

Chair
Popular Music and Youth Culture

Professor in Social Sciences
Professor in Cultural Diversity & Youth
Social and Behavioral Sciences
Utrecht University

Profile

Tom ter Bogt (1956), cultural psychologist; professor Popular Music and Youth Culture, first at the University of Amsterdam, and since September 2006 at Utrecht University.

He obtained his PhD with a thesis on the history of protestant work ethic in the Netherlands and work ethic among present-day adolescents. He is author of two books on youth and youth culture, and has written a television series on youth culture and pop music. Research interests: pop music, youth culture, adolescent problem behavior and substance use.

Ter Bogt’s research interests relate to pop music’s artists and audiences, and adolescent risk behavior. His research focuses on (1) the role of music in the development of children and adolescents, (2) music as an agent of consolation, (3) adolescent risk behavior, and (4) the role of media in the development of adolescent sexual identity.

He is part of the Dutch Health Behaviour in School-aged Children (HBSC) research team. The HBSC-project runs in more than 40 European and North-American countries and aims at assessing physical and mental health, and wellbeing in school children.

Strategic themes / Focus areas

Dynamics of Youth (strategic theme)

Involved in the following study programme(s)

Interdisciplinary Social Science

All publications

2015 - Scholarly publications


2014 - Scholarly publications


Madkour, Aubrey Spriggs, De Looze, Margaretha, Ma, Ping, Halpern, Carolyn Tucker, Farhat, Tilda, Ter Bogt, Tom F M, Ehlinger, Virginie, Nic Gabhainn, Saoirse, Currie, Candace & Godeau, Emmanuelle (01.01.2014). Macro-level age norms for the timing of
sexual initiation and adolescents' early sexual initiation in 17 European countries. Journal of adolescent health, 55 (1), (pp. 114-121) (8 p.).


Doornwaard, Suzan, van den Eijnden, Regina, Lugtig, Peter, ter Bogt, Tom & Overbeek, Geertjan (2014). Rectificatie. Kind & Adolescent, 35 (1), (pp. 53-54) (2 p.).


2014 - Professional publications


2014 - Other output


2013 - Scholarly publications


### 2013 - Popularising publications

ter Bogt, T.F.M., Keijsers, L. & Meeus, W.H.J. (18.01.2013). Kritiek is goed, maar we heten niet allemaal Diederik Stapel. *De Volkskrant*, (pp. 30) (1 p.).

### 2012 - Scholarly publications


A cross-national consistent relationship. *Journal of Early Adolescence*, 32, (pp. 104-125) (22 p.).


**2012 - Other output**


**2011 - Scholarly publications**


**2010 - Scholarly publications**


**2010 - Other output**

T.F.M. ter Bogt (28.09.2010). *Zoals de ouden zongen, muzieksmaak van ouders en hun kinderen*. Utrecht, Faculty Club UU.

**2009 - Scholarly publications**

Cultural Transmission: Psychological, Developmental, Social and Methodological Aspects. (pp. 419-440) (22 p.). Cambridge: Cambridge UP.


**2009 - Professional publications**


**2009 - Other output**


T.F.M. ter Bogt (01.01.2009). *Famous and Dead Problemen van populaire artsten*. Utrecht, Secretaressendag UU.


2008 - Scholarly publications


2008 - Professional publications


2008 - Popularising publications


2008 - Other output


2007 - Scholarly publications


2006 - Scholarly publications


2005 - Scholarly publications


2005 - Professional publications


2004 - Scholarly publications


2004 - Professional publications


2003 - Scholarly publications


2003 - Other output

2002 - Scholarly publications


2001 - Scholarly publications


2001 - Other output


2000 - Scholarly publications


1999 - Scholarly publications


1998 - Scholarly publications


1997 - Scholarly publications


1996 - Scholarly publications


1996 - Other output


**1995 - Scholarly publications**


**1995 - Professional publications**


**1995 - Popularising publications**


**1995 - Other output**


**Website(s)**

[http://www.uu.nl/staff/TFMterBogt/0](http://www.uu.nl/staff/TFMterBogt/0)

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

Please accept this letter to verify the following facts: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to music.

SUMMARY

Based upon my knowledge of music, the music community and DotMusic’s public statements concerning their .MUSIC community application, DotMusic has established the following facts:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the defined and recognized Community.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.5

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary6) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries7).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
According to Wikipedia:\textsuperscript{8}

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.\textsuperscript{9}

\textit{ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:}

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

\textsuperscript{8} Wikipedia is ranked 6\textsuperscript{th} among the ten most popular websites (Alexa, Retrieved March 23, 2015 from \url{http://www.alexa.com/siteinfo/wikipedia.org}) and constitutes the Internet's largest, most frequently updated and popular general reference work (See OECD, OECD Internet Economy Outlook 2012, OECD Publishing, \url{http://www.oecd-ilibrary.org/science-and-technology/oecd-internet-economy-outlook-2012_9789264086463-en.Pg.172}) that compares favorably to the accuracy of other encyclopedias (such as the Britannica) according to a 2012 study conducted in partnership with Oxford University (See \url{http://blog.wikimedia.org/2012/08/02/seven-years-after-nature-pilot-study-compares-wikipedia-favorably-to-other-encyclopedias-in-three-languages}).

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.13 This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”. Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

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

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

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

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

iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”)\(^{19}\): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of a logical alliance of communities (for example, an international federation of national communities of a similar nature)... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.\(^{20}\) IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\(^{21}\) The UNESCO strategic partnership\(^{22}\) is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\(^{23}\)

\(^{20}\) http://www.ifacca.org/membership/current_members/
\(^{21}\) http://www.ifacca.org/strategic_partners/
\(^{22}\) http://www.ifacca.org/strategic_partners/
\(^{23}\) http://www.imc-cim.org/about-imc-separator/who-we-are.html
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.24

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.25 Other small government Ministries of Culture, such as Albania,26 or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,27 all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.28

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).29
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

25 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
26 http://www.culturalpolicies.net/down/albania_012011.pdf
organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.  

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.

- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.

- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”

- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.

- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.


32 http://www.pch.gc.ca/eng/1294862453819/1294862453821


36 http://www ifacca org/ national agency news/2013/04/10/us-president-requests-154465000-neh-2014/

37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)


Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\(^{40}\)

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**\(^{42}\) – iTunes accounts for 63% of global digital music market\(^{43}\) - a majority – with a registered community of 800 million registered members\(^{44}\) available in 119 countries who abide to strict terms of service and boundaries\(^{45}\) and have downloaded over 25 billion songs\(^{46}\) from iTunes’ catalog of over 43 million songs\(^{47}\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^{48}\)

- **Pandora**\(^{49}\) – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.\(^{50}\)

- **Spotify**\(^{51}\) – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.\(^{52}\)

- **Vevo**\(^{53}\) – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.\(^{54}\)

\(^{40}\) [http://a2im.org/about-joining/](http://a2im.org/about-joining/)
\(^{41}\) [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
\(^{42}\) [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)
\(^{49}\) [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)
\(^{51}\) [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)
\(^{53}\) [http://a2im.org/groups/vevo](http://a2im.org/groups/vevo)
• Youtube\textsuperscript{55} – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,\textsuperscript{56} of which 38.4\% is music-related.\textsuperscript{57}

• Reverbnation\textsuperscript{58} – Reverbnation\textsuperscript{59} is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• BMG\textsuperscript{60} – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.\textsuperscript{61}

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport\textsuperscript{62}), China (China Audio Video Association\textsuperscript{63}) and Germany (Initiative Musik).\textsuperscript{64} A2IM also has Affiliate\textsuperscript{65} associations within the global music community. These include Affiliates such as MusicFirst,\textsuperscript{66} the Copyright Alliance,\textsuperscript{67} the Worldwide Independent Network (WIN)\textsuperscript{68} and Merlin.\textsuperscript{69}

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.\textsuperscript{70} The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99\% of music actors in Europe which are micro, small and medium sized enterprises.

\textsuperscript{54}http://www.vevo.com/c/EN/US/about
\textsuperscript{55}http://a2im.org/groups/youtube/
\textsuperscript{56}https://www.youtube.com/yt/press/statistics.html
\textsuperscript{57}http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and
\textsuperscript{58}http://a2im.org/groups/reverb-nation/
\textsuperscript{59}http://www.reverbnation.com/about
\textsuperscript{60}http://a2im.org/groups/bmg-rights/
\textsuperscript{61}http://www.bmg.com/category/about-us/history/
\textsuperscript{62}http://a2im.org/groups/french-music-export-office
\textsuperscript{63}http://a2im.org/groups/china-audio-video-association-cava
\textsuperscript{64}http://a2im.org/groups/initiative-musik-gmbh
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\textsuperscript{66}http://musicfirstcoalition.org/coalition
\textsuperscript{67}http://www.copyrightalliance.org/members
\textsuperscript{68}http://musicfirstcoalition.org/coalition
\textsuperscript{69}http://www.merlinnetwork.org
\textsuperscript{70}http://www.icann.org/en/system/files/correspondence/bengloff-to-crocker-et-al-07mar15-en.pdf and
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” – a majority of global music.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community

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73 [http://music.us/supporters](http://music.us/supporters)
74 See [http://music.us/nexus](http://music.us/nexus)
defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential
relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

Signature: [Signature]

Name: Dr. Vassilis Varvaresos

Title: Pianist

Expertise: Doctorate in Piano Performance

Date: 6/4/2015
About Dr. Vassilis Varvaresos

Doctorate in Piano Performance
Juilliard School

Born in Thessaloniki, Greece in 1983, Dr. Varvaresos started studying music at the age of five, and received a scholarship to the Conservatory of Northern Greece. He continued his studies at the Conservatory with Milena Mollova. He won First Prize in the 1995 Petar Konjovic International Competition in Belgrade, the 1996 Pan-Hellenic Young Artist Competition in Athens, and was chosen as one of eleven young musicians from around the world to perform in Monte Carlo in a special “little Mozarts” concert organized by Italy’s RAI TV. Dr. Varvaresos holds a bachelor of music degree and a master of music degree from the Juilliard School, where he studied with Jerome Lowenthal. His paper on Claude Debussy, which won the Scholastic Distinction Award from the The Juilliard School, was published in Greece by Kodikas Publications. In May 2011 Dr. Varvaresos received his Doctorate in Piano Performance from the Juilliard School.¹ He was a student of Jerome Lowenthal, Yoheved Kaplinsky, and Robert MacDonald.

Dr. Varvaresos made his sensational New York orchestra debut in 2007 at Lincoln Center performing Lowell Liebermann’s Piano Concerto No. 2 with the Juilliard Orchestra under the baton of Andreas Delfs. In October 2010, as a special guest of the Archbishop of the Greek-Orthodox Church of America, Dr. Varvaresos appeared with the Manhattan Symphony Orchestra in Chopin’s Piano Concerto in e minor at Alice Tully Hall, while in the winter of 2008 he was asked to be the soloist with the Athens State Symphony Orchestra, representing Greece on a two-week tour of China, on the occasion of the 2008 Beijing Olympic Games. Dr. Varvaresos, on this occasion, performed in front of a total of 6000 people. Dr. Varvaresos made his recital debut in Athens, Greece appearing at the 2010 Athens Festival. During the same summer he has appeared in recital and chamber music concerts in Mykonos, Greece and in Constantinople and Cyprus.

Dr. Varvaresos previous seasons included concerts in Vienna’s legendary Musikverein, performances of Chopin’s Piano Concerto No. 1 with the Cyprus Symphony Orchestra in Leukosia and Lemesos under the baton of Spiros Pisinos, recitals in Mykonos, Greece and a featured concert at the International Piano Festival of Gijón, Spain.

Since then, he has performed in numerous occasions both in the U. S. and abroad. Highlight performances include an appearance with the Westmoreland Symphony Orchestra, where Dr. Varvaresos performed Rachmaninov’s Rhapsody on a Theme by Paganini and Gerswhin’s Rhapsody in Blue in a double-bill special event as well as concerto and recital appearances in the U.S. and his native Greece.

As a soloist with orchestra in the United States, Dr. Varvaresos has performed Grieg’s Piano Concerto with the Victoria Symphony in Texas, Tchaikovsky’s Concerto No. 1 with the Westmoreland Symphony (PA), Chopin’s Concerto No. 2 with the Dearborn (MI) Orchestra Society, Haydn’s Concerto in D Major

with the Hartford Symphony, Mozart’s Concerto No. 5 with the Modesto (CA) Symphony, Mozart’s Concerto no. 20 with the Altoona (PA) Symphony, Rachmaninov’s Concerto no. 1 with the JCC of Greater Washington, and Beethoven’s Concerto no. 3 with the Sacramento Youth Symphony.

Dr. Varvaresos’ performances in his native Greece include the Tchaikovsky Piano Concerto at the Megaron Hall with the Athens State Symphony Orchestra, Solon Michailides’s Piano Concerto and the Grieg Piano Concerto in the Megaron Hall of Athens, Rachmaninov’s Concerto no. 2, Mozart’s Concerto no. 20 and Beethoven’s Concerto No. 3, with the Orchestra of Thessaloniki. He has performed numerous times on Greek State Television, as well as on television in Italy, Yugoslavia and Bulgaria. Dr. Varvaresos has represented Greece in a special “EuroConcert” at the Museum of Modern Art in Helsinki, at the Greek Embassy in Milan, and for the U.S. Ambassador to Greece. He has also performed as a recitalist in Austria, Germany, France, Italy, The Czech Republic, Bulgaria, and Yugoslavia.

Dr. Varvaresos is a founding member of Fourtissimo!, a group of four award-winning pianists whose goal is to reinvent the concert going experience through tasteful and uncompromising experimentation: unorthodox choice of repertoire, questions and choices concerning the form of the piano recital, and original compositions/transcriptions that test the limitations of the instrument and point the way towards a new type of instrumental virtuosity and inventiveness. The group’s debut at Carnegie’s Zankel Hall in October 2010 received immediate audience and critical acclaim.

Dr. Varvaresos is also active as a composer. His dance composition Three Etudes was chosen to represent the Juilliard School in a Dance Forum hosted by the Pallucca Schule in Dresden, Germany in October of 2007. He has written ten film scores, including “Ellsworth Kelly: Fragments” and “Sir John Soane: An English Architect, an American Legacy” produced by the Checkerboard Film Foundation. He has also composed the score for the short film “Hardwood”.

Dr. Varvaresos is currently pursuing the prestigious Diplôme d’ Artiste-Interpète degree at the Conservatoire Nationale et Superieur de Musique et de Danse in Paris, France. He studies with Michel Dalberto.

Dr. Varvaresos is recipient of Musical Studies Grants from the Bagby Foundation and the George and Marie Vergottis Foundation. Since 2008, he has also been the recipient of the Gina Bachauer Foundation Grant for Outstanding Talent in Music and Onassis Foundation Grant.

Website: http://www.varvaresos.com/
Press Reviews

...Varvaresos playing was effervescent…"
The Hartford Courant

"Tout aussi investi, Vassilis Varvaresos lui donne la réplique pianistique avec un égal feu intérieur, dans un jeu concentré qui exclut toute virtuosité "
http://www.concertclassic.com/article/winterreise-par-dimitris-tiliakos-et-vassilis-varvaresos-leclat-de-deux-jeunes-interpretes#sthash.IPOVYqDa.dpuf

"Τηλιακός και Βαρβαρέσος τόλμησαν να πάρουν ρίσκα σε διάφορα επίπεδα και να καταθέσουν τη δική τους πρόταση: σύγχρονη, μουσικά ενδιαφέρουσα και πνευματικά διεγερτική." Kathimerini, 1.2.2015
http://www.kathimerini.gr/801408/article/politismos/moysikh/ena-3exwristo-xeimwniatiko-ta3idi

"Μια βραδιά που πρόσφερε τροφή στην ψυχή.", efsyn, 20.1.2015

"Ήταν ένα απ' αυτά τα ρεσιτάλ που όσοι το παρακολούθησαν ένιωσαν πως είχαν κερδίσει ένα από εκείνα τα σπάνια διαμαντάκια που μοιράζει κατά καιρού το Μέγαρο στο κοινό του." Protagon, 17.1.2015
http://www.protagon.gr/?i=protagon.el.politismos&id=38927

"The score is for Vassilis a good opportunity to recreate the world we live in. A modern remake of the romantic concerto. How? By imposing an extremely diverse sound, a turmoil at times hard to contain – but with braveness in reaching the octaves, by the pervasiveness of his personality which superimposes an almost cinematic vision on Tchaikovsky’s music."

"En totale communion avec le public, il a parachevé sa "conquête" avec un Fantaisie-Impromptu de Chopin d'une parfaite fluidité et musicalité avant de "porter l'estocade" avec une improvisation fougueuse, brillante et délirante, mêlant intelligenement des thèmes aussi variés que Summertime de Gershwin, la Vè Symphonie et la Lettre à Elise de Beethoven, la 2è Rhapsodie hongroise de Liszt…Jeune, très jeune, mais déjà très grand musicien qui sait rendre son public heureux, nous espérons le revoir très vite à Nohant!"

A Paris, le festival Chopin souffle ses trente bougies. "De son côté, Vassilis Varvaresos a su emporter l’adhésion du public avec une interprétation magistrale de l’ouverture de Tannhäuser de Wagner transcrite par Liszt. Une partition aux proportions dantesques dont il a su restituer tout le souffle épique et tragique, avec une virtuosité confondante."
La Lettre du musicien
"First up was Mozart's elegant Sonata in B flat major. Inui and Varvaresos captured Mozart's musical dialogues, between themes, performing forces and movements. Theirs was lucid, transparent playing entirely in tune with Mozartean ideals."

AL.com

"Υπάρχουν κάποιοι άνθρωποι που, όταν τους γνωρίσεις, καταλαβαίνεις πως έχουν γεννηθεί με ένα ιδιαίτερο ταλέντο και ωριμάζουν για να μεγαλουχήσουν." Protagon

"...Και πιστεύω πως αυτός ο σολίστας θα γίνει ο εκφραστής μιας νέας σεμνής, δημιουργικής και βαθιά συναισθηματικής και ανθρώπινης Ελλάδας, που θα λάμψει στα επόμενα χρόνια στο μουσικό στερέωμα." Protagon

“Following this great program greatly played, Vassilis Varvaresos played a spicy Greek dance with all the exuberance and heartiness of a soul in love with life.”

The New York Concert Review

Varvaresos at Carnegie Hall

"On March 19, 2012, the world-renowned Greek pianist Vassilis Varvaresos performed at a benefit piano recital at Carnegie Hall to thunderous applause."

Cyprus Federation Org

"So impressive, in fact, that I had no desire to hear any encores. Vassilis Varvaresos had demonstrated what he already has shown through Europe. For he is that rare young performer who, with a mere two hands, can tell the most gorgeous tales"

Harry Rolnick at Concertonet.com

“… Varvaresos played with rhythmic energy, sincerity, and contagious passion. This is a pianist that truly possesses everything...”

La Voz de Asturias

“Young Master on the Rise.”

The Washington Post

“…Varvaresos engaged his audience for a performance that sizzled from start to finish. I felt as though I was hearing this piece for the first time and now I ‘m a believer. Vassilis Varvaresos not only has a natural yet finely honed technique, it springs as one with the wide scope of profound musicianship. The Liszt was delivered in an astonishingly powerful and poetic trajectory. The audience was stunned. I remembered to stand up and shout – if ever there was a reason to yell Bravo, this was it.”

New York Concert Review

"…Dr. Varvaresos first offered No. 9, “Vertige,” in a rendition so dizzying that one needed to clutch one’s seat...”

New York Concert Review
Varvaresos managed to control perfectly the robust Steinway – he was able to create a clean, tight sound that served perfectly the aesthetics of the time. His phrasing was elegant, flexible, […] with well-crafted commas and periods. He delivered an outstanding “Allegretto e innocente…”

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (ii) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (iii) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application Answer to Question 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector. “Music” is a regulated sector comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

DotMusic’s application follows unified principles that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination (See Application Answers to 18).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

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4 See [http://music.us/establishment](http://music.us/establishment)
(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

According to Wikipedia:  

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial. 

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ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other

10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
countries. This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role in the cultural and artistic life of their respective countries. The IFACCA provides a platform for collaboration and exchange of knowledge and resources among its member countries, which helps to promote the arts and culture at a global level. The organization advocates for the rights of artists and cultural institutions, and works to enhance the status of the arts within society.

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20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See http://www.oxforddictionaries.com/definition/english/mainly and http://www.merriam-webster.com/dictionary/mainly respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392).
role with respect to music.\textsuperscript{21} IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\textsuperscript{22} The UNESCO strategic partnership\textsuperscript{23} is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\textsuperscript{24}

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.\textsuperscript{25}

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\textsuperscript{26} Other small government Ministries of Culture, such as Albania,\textsuperscript{27} or government

\textsuperscript{21} http://www.ifacca.org/membership/current_members/
\textsuperscript{22} http://www.ifacca.org/strategic_partners/
\textsuperscript{23} http://www.ifacca.org/strategic_partners/
\textsuperscript{24} http://www.imc-cim.org/about-imc-separator/who-we-are.html
\textsuperscript{25} U.S Copyright Office, http://www.copyright.gov/carp/m200a.html
\textsuperscript{26} 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6),
Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)

27 http://www.culturalpolicies.net/down/albania_012011.pdf
33 http://www.pch.gc.ca/eng/1294862453819/1294862453821
• The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception\(^{35}\) and has a strong focus on music as outlined in its Strategic Plan\(^ {36} \) with Congress requested to provide $154,465,000 for fiscal year 2014.\(^ {37} \)

• The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”\(^ {38} \)

• The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.\(^ {39} \)

• In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.\(^ {40} \)

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

The IFPI is another entity *mainly* dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide”\(^ {41} \) whose members\(^ {42} \) – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member,\(^ {43} \) represents “approximately 85% of all legitimate recorded music produced and sold in the United States,”\(^ {44} \) the world’s largest music market with 30% global market share.\(^ {45} \)

Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”


\(^ {36} \) NEA Strategic Plan 2012-2016, [www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf](http://www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf)


\(^ {38} \) 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, [http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download](http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download), Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)


\(^ {41} \) [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)

\(^ {42} \) [http://www.ifpi.org/our-members.php](http://www.ifpi.org/our-members.php)

\(^ {43} \) [http://www.ifpi.org/national-groups.php](http://www.ifpi.org/national-groups.php)

\(^ {44} \) [http://www.riaa.com/faq.php](http://www.riaa.com/faq.php)

\(^ {45} \) [http://www.statista.com/topics/1639/music/](http://www.statista.com/topics/1639/music/)
Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\(^{46}\)

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**\(^{48}\) – iTunes accounts for 63% of global digital music market\(^{49}\) - a majority – with a registered community of 800 million registered members\(^{50}\) available in 119 countries who abide to strict terms of service and boundaries\(^{51}\) and have downloaded over 25 billion songs\(^{52}\) from iTunes’ catalog of over 43 million songs\(^{53}\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^{54}\)

- **Pandora**\(^{55}\) – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.\(^{56}\)

- **Spotify**\(^{57}\) – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.\(^{58}\)

- **Vevo**\(^{59}\) – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.\(^{60}\)

\(^{46}\) http://a2im.org/about-joining/
\(^{47}\) http://a2im.org/groups/tag/associate+members/
\(^{48}\) http://a2im.org/groups/itunes
\(^{49}\) http://appleinsider.com/articles/13/04/16/apples-itunes-rules-digital-music-market-with-63-share
\(^{50}\) http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt
\(^{52}\) http://www.apple.com/pr/library/2013/02/06iTunes-Store-Sets-New-Record-with-25-Billion-Songs-Sold.html
\(^{53}\) https://press.spotify.com/us/information/
\(^{54}\) http://a2im.org/groups/pandora
\(^{55}\) http://a2im.org/groups/spotify
\(^{56}\) http://a2im.org/groups/vevo
• **Youtube** – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube, of which 38.4% is music-related.

• **Reverbnation** is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG** – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport), China (China Audio Video Association) and Germany (Initiative Musik).

A2IM also has Affiliate associations within the global music community. These include Affiliates such as MusicFirst, the Copyright Alliance, the Worldwide Independent Network (WIN) and Merlin.

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

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61 http://www.vevo.com/c/EN/US/about
62 http://a2im.org/groups/youtube/
63 https://www.youtube.com/yt/press/statistics.html
64 http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and
65 http://a2im.org/groups/reverb-nation/
66 http://a2im.org/groups/bmg-rights/
67 http://www.bmg.com/category/about-us/history/
68 http://a2im.org/groups/french-music-export-office
69 http://a2im.org/groups/china-audio-video-association-cava
70 http://a2im.org/groups/initiative-musik-gmbh
71 http://a2im.org/groups/tag/associate-members/
72 http://musicfirstcoalition.org/coalition. The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
73 http://www.copyrightalliance.org/members
74 http://www.winformusic.org
75 http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” ⁷⁷ — a majority of global music. ⁷⁸

Another letter ⁷⁹ sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

The International Music Products Association, NAMM, is another globally-recognized and relevant group of non-negligible size that has supported DotMusic. ⁸⁰ NAMM, formed in 1901, is mainly dedicated to the global music community by representing the international music products industry and community, with globally-recognized members and exhibitors that include Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica, AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanex, AVID, Casio, DW, Sabian, Pearl, Zildjian, Martin, Ludwig, Marshall and others. ⁸¹ ⁸² Every amateur and professional musician worldwide uses music products manufactured and distributed by NAMM’s members. Without these musical instruments and products, music as we know it today would not be created or produced. NAMM and its trade shows power the $17 billion global music products industry serving as a hub for the global music community wanting to seek out the newest innovations in musical products, recording technology, sound and lighting. NAMM’s mission is “to strengthen

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⁸¹ https://www.namm.org/files/showdir/ExhibitorList_WN15.xls
⁸² http://www.musictrades.com/global.html
the music products industry and promote the pleasures and benefits of making music.” NAMM also hosts the NAMM Show, the world's largest event for the music products industry.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community. Community members may register a .MUSIC by either:

83 https://www.namm.org/about
85 http://music.us/supporters
86 See http://music.us/nexus
1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

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87 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

Signature:  

Name: Wendy A TILTON, PhD, EdD

Title: CONSULTANT

Organization: TALENT COACH BY KALMAR COUNTY MUSIC FOUNDATION
Professor Wendy Tilton, Ph.D

Education

Kennedy Western University
Doctorate, Philosophy; Education, Ph.D
2004

U.S. Department of State Bureau of Educational and Cultural Affairs
Fulbright Scholar Program
Core Fulbright U.S. Scholar Program
2012 – 2013

Fielding Graduate University
EdD, Education, Leadership & Change
2005 – 2011

New York University
MS, Real Estate Investment & Development
1994 – 1995

University of Kentucky
Baccalaureate, Science
1993 – 1994

Mercer County Community College
Associate of Science, Humanities & Social Science
1990 – 1996
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² [http://music.us/supporters](http://music.us/supporters)
³ [http://music.us/supporters](http://music.us/supporters)
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.5

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary6) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries7).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
According to Wikipedia:

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants and non-commercial participants and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music.” UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music... The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values... Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions... subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.13 This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

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10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole.”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

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

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

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

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

iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”)\(^{19}\): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.\(^{20}\) IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\(^{21}\) The UNESCO strategic partnership\(^{22}\) is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\(^{23}\)

\(^{20}\) [http://www.ifacca.org/membership/current_members/](http://www.ifacca.org/membership/current_members/)
\(^{21}\) [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
\(^{22}\) [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
\(^{23}\) [http://www.imc-cim.org/about-imc-separator/who-we-are.html](http://www.imc-cim.org/about-imc-separator/who-we-are.html)
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long. 

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania, or government Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

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24 U.S Copyright Office, [http://www.copyright.gov/carp/m200a.html](http://www.copyright.gov/carp/m200a.html)
25 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” ([http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf](http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf)). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
26 [http://www.culturalpolicies.net/down/albania_012011.pdf](http://www.culturalpolicies.net/down/albania_012011.pdf)
organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.  

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.  
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.
- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.
- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”
- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.
- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

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35 NEA Strategic Plan 2012-2016, [www.arts.gov/about/Budget/NEA Strategic Plan 2012-2016.pdf](http://www.arts.gov/about/Budget/NEA Strategic Plan 2012-2016.pdf)


37 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, [http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download](http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download), Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)


Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.40

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**42 – iTunes accounts for 63% of global digital music market43 - a majority – with a registered community of 800 million registered members44 available in 119 countries who abide to strict terms of service and boundaries45 and have downloaded over 25 billion songs46 from iTunes’ catalog of over 43 million songs47 covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.48
- **Pandora**49 – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.50
- **Spotify**51 – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.52
- **Vevo**53 – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.54
• **Youtube**[^55] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,[^56] of which 38.4% is music-related.[^57]

• **Reverbnation**[^58] – Reverbnation[^59] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**[^60] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^61]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^62]), China (China Audio Video Association[^63]) and Germany (Initiative Musik).[^64] A2IM also has Affiliate[^65] associations within the global music community. These include Affiliates such as MusicFirst,[^66] the Copyright Alliance,[^67] the Worldwide Independent Network (WIN)[^68] and Merlin.[^69]

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.[^70] The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

[^54]: http://www.vevo.com/c/EN/US/about
[^55]: http://a2im.org/groups/youtube/
[^56]: https://www.youtube.com/yt/press/statistics.html
[^57]: http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and
[^58]: http://a2im.org/groups/reverb-nation/
[^59]: http://www.reverbnation.com/about
[^60]: http://a2im.org/groups/bmg-rights/
[^61]: http://www.bmg.com/category/about-us/history/
[^62]: http://a2im.org/groups/french-music-export-office
[^63]: http://a2im.org/groups/china-audio-video-association-cava
[^64]: http://a2im.org/groups/initiative-musik-gmbh
[^65]: http://a2im.org/groups/tag/associate-members/
[^66]: http://musicfirstcoalition.org/coalition
[^67]: http://www.copyrightalliance.org/members
[^68]: http://www.winformusic.org
[^69]: http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music”\(^{71}\) – a majority of global music.\(^{72}\)

Another letter\(^{73}\) sent to ICANN (on April 14\(^{th}\), 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support\(^{74}\) from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

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\(^{71}\) https://www.icann.org/en/system/files/correspondence/riaa-to-icann-05mar15-en.pdf, Pg.1


\(^{74}\) http://music.us/supporters
According to the Applicant Guidebook ("AGB"), to receive the maximum score for Nexus, the applied-for string -- "music" -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization ("MCMO"); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries...
and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

[Signature]

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Biography

Trained as both an economist and philosopher, Wilfred Dolfsma (1970) holds a PhD in the former from Erasmus University. He is professor of innovation at the University of Groningen School of Economics and Business, and is corresponding editor for the Review of Social Economy. Dolfsma's main research focus is the different aspects of cooperation in processes of innovation.

During previous affiliations he has been imbued with Economics of Innovation (Delft University of Technology), Innovation Management (RSM Erasmus University), Economic Geography (Rheinischen Friedrich-Wilhelms-Universität Bonn), Philosophy of Science and Technology (Twente University of Technology), Economics of Organisation (Utrecht School of Economics), and innovation and development at UNU MERIT.

Teaching in following courses:

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- Cooperation for Innovation (SIM MScBA)
- Capturing Value from Innovation (SIM MScBA)
- Inter-firm Collaboration for Innovation (Research Master, Innovation & Organization profile)
- Strategy and Organisation Practice (Accountancy master, Univ of Curacao)
- Master theses

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Editor-in-Chief, Review of Social Economy

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Additional activities: member of the executive board, Association for Social Economics.

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Profile

Wilfred Dolfsma is based at the School of Economics and Business of the University of Groningen, The Netherlands, in addition to UNU-MERIT. He is also Visiting Scholar at the University of Aberdeen Business School. His main interests are the issues of innovation and industry dynamics, and mainly at micro and meso levels. How is existing knowledge exchanged within and between firms, how does new knowledge emerge, and how does this contribute to innovation?

He is also interested in: Consumption, consumption theory; Law & Economics (IPR); Evolutionary, Institutional & Social Economics; Economic History & Methodology; Media / Entertainment Industries.
He is corresponding editor (‘editor-in-chief’) of the Review of Social Economy, and recently received the Myrdal prize for best monograph, awarded by EAEPE (2006).

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2014


2013


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2011


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2005


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http://www.merit.unu.edu/about-us/profile/?staff_id=687&stage=2
http://www.rug.nl/staff/w.a.dolfsma/cv
Dear ICANN and Economist Intelligence Unit ("EIU"):

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.  

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries). 

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See [http://music.us/establishment](http://music.us/establishment)
According to Wikipedia:\textsuperscript{8}

\textit{Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants…and non-commercial participants…and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”…UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music…The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values…Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions…subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.\textsuperscript{9}}

\textit{ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:}

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

\textsuperscript{8} Wikipedia is ranked 6\textsuperscript{th} among the ten most popular websites (Alexa, Retrieved March 23, 2015 from \url{http://www.alexa.com/siteinfo/wikipedia.org}) and constitutes the Internet's largest, most frequently updated and popular general reference work (See OECD, OECD Internet Economy Outlook 2012, OECD Publishing, \url{http://www.oecd-ilibrary.org/science-and-technology/oecd-internet-economy-outlook-2012_9789264086463-en}, Pg.172) that compares favorably to the accuracy of other encyclopedias (such as the Britannica) according to a 2012 study conducted in partnership with Oxford University (See \url{http://blog.wikimedia.org/2012/08/02/seven-years-after-nature-pilot-study-compares-wikipedia-favorably-to-other-encyclopedia-in-three-languages}).

\textsuperscript{9} Music Community. In \textit{Wikipedia}. Retrieved July 6, 2015, from \url{https://en.wikipedia.org/wiki/Music_community}
According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.13 This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

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10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

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

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

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

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

iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook ("AGB")\(^{19}\): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of…a logical alliance of communities (for example, an international federation of national communities of a similar nature… viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly\(^{20}\) dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA). IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.\(^{21}\) IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and

\(^{20}\) Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See http://www.oxforddictionaries.com/definition/english/mainly and http://www.merriam-webster.com/dictionary/mainly respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392).
\(^{21}\) http://www.ifacca.org/membership/current_members/
influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania, or government Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

22 http://www.ifacca.org/strategic_partners/
23 http://www.ifacca.org/strategic_partners/
24 http://www.imc-cim.org/about-imc-separator/who-we-are.html
26 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
27 http://www.culturalpolicies.net/down/albania_012011.pdf
Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.
- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.
- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”.

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30 2011 Annual Report from New Zealand Ministry of Culture:
31 2011 Annual Report for the Australia Council for the Arts,
32 2011 Annual Report for Canada Council for the Arts,
http://www.canadacouncil.ca/NR/rdonlyres/6F7549BB-F4E5-4B8B-95F4-1FF9FAFB9186/CanadaCouncilAnnualReport2012_COMPLETE.pdf
33 http://www.pch.gc.ca/eng/1294862453819/1294862453821
34 Department for Culture, The Importance of Music, A National Plan for Music Education,
35 2011 Annual report for the National Endowment of the Arts,
38 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa,
http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
• The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.  

• In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

• Apple iTunes – iTunes accounts for 63% of global digital music market - a majority – with a registered community of 800 million registered members available in 119 countries who abide to strict terms of service and boundaries and have downloaded over 25 billion songs from iTunes’ catalog of over 43 million songs covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.

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41 [http://a2im.org/about-joining/](http://a2im.org/about-joining/)

42 [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)

43 [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)


• **Pandora**[^50] – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.[^51]

• **Spotify**[^52] – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.[^53]

• **Vevo**[^54] – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.[^55]

• **Youtube**[^56] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,[^57] of which 38.4% is music-related.[^58]

• **ReverbNation**[^59] – ReverbNation[^60] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The ReverbNation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**[^61] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^62]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^63]), China (China Audio Video Association[^64]) and Germany (Initiative Musik).[^65]

A2IM also has Affiliate[^66] associations within the global music community. These include Affiliates such as MusicFirst,[^67] the Copyright Alliance,[^68] the Worldwide Independent Network (WIN)[^69] and Merlin.[^70]

[^50]: http://a2im.org/groups/pandora
[^51]: http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/ and http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9MTkxNTM1fENoaWxkSUQ9LTF8VHlwZT0xP3N0b3JlPjwvYXNzZXRzL19qZG10YmFjZD9cQ09cMjI4MjM1NjE5OS9yY3JzPjwvd3d3L3Nob3Aud2U9Jy84MzU0OTgyMjEwMA==&t=1, Pg.9
[^52]: http://a2im.org/groups/spotify
[^54]: http://a2im.org/groups/vevo/
[^55]: http://www.vevo.com/c/EN/US/about
[^56]: http://a2im.org/groups/youtube/
[^57]: https://www.youtube.com/yt/press/statistics.html
[^58]: http://www.researchandmarkets.com/reports/2092499/internet_video_2011_2014_view_share_site_and
[^59]: http://a2im.org/groups/reverb-nation/
[^60]: http://www.reverbnation.com/about
[^61]: http://a2im.org/groups/bmg-rights/
[^63]: http://a2im.org/groups/french-music-export-office
[^64]: http://a2im.org/groups/china-audio-video-association-cava
[^65]: http://a2im.org/groups/initiative-musik-gmbh
[^66]: http://a2im.org/groups/tag/associate+members/
[^67]: http://musicfirstcoalition.org/coalition, The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
[^68]: http://www.copyrightalliance.org/members
[^69]: http://www.winformmusic.org
A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide” whose members -- major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member, represents “approximately 85% of all legitimate recorded music produced and sold in the United States,” the world’s largest music market with 30% global market share. Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” – a majority of global music.

71 https://www.merlinnetwork.org
72 http://www.ifpi.org/about.php
73 http://www.ifpi.org/our-members.php
74 http://www.ifpi.org/national-groups.php
75 http://www.riaa.com/faq.php
76 http://www.statista.com/topics/1639/music/
Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

**B) Nexus**

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music
entities to be included as part of the Community. Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as

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83 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

[Signature]


Name: Matthew Covey

Title: Director

Organization: Tamizdat
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (ii) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (iii) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392)
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

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² [http://music.us/supporters](http://music.us/supporters)
³ [http://music.us/supporters](http://music.us/supporters)
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application Answer to Question 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector. “Music” is a regulated sector comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

DotMusic’s application follows unified principles that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination (See Application Answers to 18).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

According to Wikipedia:\(^8\)

> **Music community is defined as a logical alliance of interdependent communities that are related to music**, which include commercial participants…and non-commercial participants…and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”…UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music…The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values…Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions…subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.\(^9\)

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ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.\(^{10}\)

The Berne Convention for the Protection of Literary and Artistic Works\(^{11}\) provides that each of the 168 contracting parties\(^{12}\) (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other

\(^{10}\) [http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html](http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html)


countries. This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

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13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISNI 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal

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20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See http://www.oxforddictionaries.com/definition/english/mainly and http://www.merriam-webster.com/dictionary/mainly respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392).
role with respect to music. IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania, or government

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21 http://www.ifacca.org/membership/current_members/
22 http://www.ifacca.org/strategic_partners/
23 http://www.ifacca.org/strategic_partners/
24 http://www.imc-cim.org/about-imc-separator/who-we-are.html
26 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6),
Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.
The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.

The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”

The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.

In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide” whose members – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member, represents “approximately 85% of all legitimate recorded music produced and sold in the United States,” the world’s largest music market with 30% global market share. Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

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36 NEA Strategic Plan 2012-2016, [www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf](http://www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf)
38 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, [http://www.nac.org.za/media/publications/AR%2010-11%20NAC%20PDF/download](http://www.nac.org.za/media/publications/AR%2010-11%20NAC%20PDF/download), Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
41 [http://www.ifpi.org/about.php](http://www.ifpi.org/about.php)
Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\(^\text{46}\)

The reach of A2IM Associate\(^\text{47}\) membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes\(^\text{48}\)** – iTunes accounts for 63% of global digital music market\(^\text{49}\) - a majority – with a registered community of 800 million registered members\(^\text{50}\) available in 119 countries who abide to strict terms of service and boundaries\(^\text{51}\) and have downloaded over 25 billion songs\(^\text{52}\) from iTunes’ catalog of over 43 million songs\(^\text{53}\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^\text{54}\)

- **Pandora\(^\text{55}\)** – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.\(^\text{56}\)

- **Spotify\(^\text{57}\)** – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.\(^\text{58}\)

- **Vevo\(^\text{59}\)** – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.\(^\text{60}\)

\(^{46}\) [http://a2im.org/about-joining/](http://a2im.org/about-joining/)

\(^{47}\) [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)

\(^{48}\) [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)


\(^{50}\) [http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt](http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt)


\(^{55}\) [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)


\(^{57}\) [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)


\(^{59}\) [http://a2im.org/groups/vevo/](http://a2im.org/groups/vevo/)
• **Youtube**\(^{61}\) – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,\(^{62}\) of which 38.4% is music-related.\(^{63}\)

• **Reverbnation**\(^{64}\) – Reverbnation\(^{65}\) is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**\(^{66}\) – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.\(^{67}\)

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (Bureau Export\(^{68}\)), China (China Audio Video Association\(^{69}\)) and Germany (Initiative Musik).\(^{70}\)

A2IM also has Affiliate\(^{71}\) associations within the global music community. These include Affiliates such as MusicFirst,\(^{72}\) the Copyright Alliance,\(^{73}\) the Worldwide Independent Network (WIN)\(^{74}\) and Merlin.\(^{75}\)

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.\(^{76}\) The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

\(^{60}\) http://www.vevo.com/c/EN/US/about  
^{61}\) http://a2im.org/groups/youtube/  
^{63}\) http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and  
^{64}\) http://a2im.org/groups/reverb-nation/  
^{65}\) http://www.reverbnation.com/about  
^{66}\) http://a2im.org/groups/bmg-rights/  
^{67}\) http://www.bmg.com/category/about-us/history/  
^{68}\) http://a2im.org/groups/french-music-export-office  
^{69}\) http://a2im.org/groups/china-audio-video-association-cava  
^{70}\) http://a2im.org/groups/initiative-musik-gmbh  
^{71}\) http://a2im.org/groups/tag/associate+members/  
^{72}\) http://musicfirstcoalition.org/coalition. The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.  
^{73}\) http://www.copyrightalliance.org/members  
^{74}\) http://www.winformusic.org  
^{75}\) http://www.merlinnetwork.org  
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” 77 – a majority of global music. 78

Another letter 79 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

The International Music Products Association, NAMM, is another globally-recognized and relevant group of non-negligible size that has supported DotMusic. 80 NAMM, formed in 1901, is mainly dedicated to the global music community by representing the international music products industry and community, with globally-recognized members and exhibitors that include Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica, AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanex, AVID, Casio, DW, Sabian, Pearl, Zildjian, Martin, Ludwig, Marshall and others. 81 82 Every amateur and professional musician worldwide uses music products manufactured and distributed by NAMM’s members. Without these musical instruments and products, music as we know it today would not be created or produced. NAMM and its trade shows power the $17 billion global music products industry serving as a hub for the global music community wanting to seek out the newest innovations in musical products, recording technology, sound and lighting. NAMM’s mission is “to strengthen

81 https://www.namm.org/files/showdir/ExhibitorList WN15.xls
82 http://www.musictrades.com/global.html
the music products industry and promote the pleasures and benefits of making music.”
NAMM also hosts the NAMM Show, the world's largest event for the music products industry.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

**B) Nexus**

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community. Community members may register a .MUSIC by either:

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83 https://www.namm.org/about
85 http://music.us/supporters
86 See http://music.us/nexus
1) Identifying that they belong to a Music Community Member Organization ("MCMO"); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

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87 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See [https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf](https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf) Pg.7)
In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Signature: Contact Information Redacted Aug 11 '15 ip: 46.200.106.44

Name: Jonathan Segel

Title: composer

Organization: self
Jonathan Segal MM

Education
Mills College
Masters in Music Composition

Credits:

<table>
<thead>
<tr>
<th>Year</th>
<th>Album</th>
<th>Artist</th>
<th>Credits</th>
</tr>
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<tbody>
<tr>
<td>2014</td>
<td>El Camino Real</td>
<td>Camper Van Beethoven</td>
<td>Composer, Guitar, Keyboards, Mandolin, Violin, Vocals (Background)</td>
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<td>2013</td>
<td>La Costa Perdida</td>
<td>Camper Van Beethoven</td>
<td>Guitar, Mandolin, Organ, Violin, Vocals (Background)</td>
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<td>2012</td>
<td>All Attractions/Apricot Jam</td>
<td>Jonathan Segel</td>
<td>Composer, Guitar, Keyboards, Primary Artist, Synthesizer, Theremin, Violin, Vocals</td>
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<td>2009</td>
<td>Sonic Demons</td>
<td>Lucio Menegon</td>
<td>Improvisation</td>
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<td>The Full Sun</td>
<td>Scott Pinkmountain</td>
<td>Violin</td>
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<td>2009</td>
<td>Time for Leaving</td>
<td>McCabe &amp; Mrs. Miller</td>
<td>Violin</td>
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<td>2008</td>
<td>Hieronymus Firebrain</td>
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<td>2008</td>
<td>Live</td>
<td>Keller Williams</td>
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<td>2008</td>
<td>Popular Songs of Great Enduring Strength and Beauty</td>
<td>Camper Van Beethoven</td>
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<td>Amnesia Glass Box</td>
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<td>2007</td>
<td>First Annual Camp Out Live</td>
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<td>Artist(s)</td>
<td>Roles/Contributions</td>
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<td>2007</td>
<td>Honey</td>
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<td>Rauk</td>
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<td>Primary Artist</td>
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<td>2007</td>
<td>Summerleaf</td>
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<td>The Sugar Factory</td>
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<td>Reconstruction</td>
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<td>Underwater Tigers</td>
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<td>An Inescapable Siren Within Earshot Distance Therein and Other Whereabouts</td>
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<td>2006</td>
<td>Greenland</td>
<td>Cracker</td>
<td>Photography</td>
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<td>2006</td>
<td>Music + One</td>
<td>Myles Boisen</td>
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<td>2006</td>
<td>New Ways of Letting Go</td>
<td>Michael Zapruder</td>
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<td>The Way You Shine</td>
<td>The Shimmers</td>
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<td>2005</td>
<td>Chris Brown: Rogue Wave</td>
<td>Chris Brown</td>
<td>Computers</td>
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<td>2005</td>
<td>Cost</td>
<td>Patrick Phelan</td>
<td>Main Personnel, Violin</td>
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<td>2005</td>
<td>Live at the World Cafe, Vol. 20</td>
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<td>Look at All the Love We Found: A Tribute to Sublime</td>
<td>Sublime</td>
<td>Computers, Powerbook, Violin</td>
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<td>2005</td>
<td>Tragic Realism</td>
<td>LD &amp; the New Criticism</td>
<td>Violin</td>
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<td>2004</td>
<td>Connections 2: In Benefit Of KRCB-FM</td>
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<td>2004</td>
<td>Left of the Dial: Dispatches from the '80s</td>
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<td>Violin, Vocals</td>
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<td>Year</td>
<td>Album</td>
<td>Artist(s)</td>
<td>Roles/Instruments</td>
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<td>New Roman Times</td>
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<td>2003</td>
<td>Compositions for Guitars</td>
<td>Taku Sugimoto</td>
<td>Guitar</td>
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<td>2003</td>
<td>Edgy Not Antsy</td>
<td>Jonathan Segel</td>
<td>Announcer, Bass (Electric), Cello, Charango, Dan Bau, Digital Editing, Drum Programming, Fender Rhodes, Guitar, Guitar (Rickenbacker), Organ, Piano, Primary Artist, Sound Editing, Violin</td>
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<td>Gen</td>
<td>Shoko Hikage</td>
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<td>2003</td>
<td>Horror, Pt. 7: The Post Day of the Dead Ritual</td>
<td>Eugene Chadbourne</td>
<td>Mandolin, Violin (Electric)</td>
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<td>2003</td>
<td>Latino St. Dance Mix</td>
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<td>2003</td>
<td>Lipstick Traces: Secret History of Manic</td>
<td>Manic Street Preachers</td>
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<td>2003</td>
<td>Non-Linear Accelerator</td>
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<td>2003</td>
<td>Psychadelidoowop</td>
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<td>Box, Dan Bau, Dan Nhi, Dan Tranh, Delay, DJ, Engineer, Field Recording, Mandolin, Microcassette, Violin, Vocal Recording, Vocals</td>
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<td>2003</td>
<td>Rough Trade Shops: Country</td>
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<td>2003</td>
<td>Tempted to Smile</td>
<td>Fred Frith</td>
<td>Composer, Guitar, Main Personnel, Photography, Primary Artist, Violin</td>
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<td>2003</td>
<td>Two Forms of Multitudes: Conducted Improvisations</td>
<td>Moe! Staiano's MOE!KESTRA!</td>
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<td>Artist(s)</td>
<td>Contributions</td>
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<td>2002</td>
<td>Cigarettes &amp; Carrot Juice: The Santa Cruz Years</td>
<td>Camper Van Beethoven</td>
<td>Bass, Casio, Composer, Guitar, Guitar (Electric), Instrumentation, Keyboards, Mandolin, Noise, Sitar, Tape, Viola, Violin, Vocals</td>
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<td>2002</td>
<td>Driving in the Rain 3 Am: Songs to Get Lost With</td>
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<td>Tusk</td>
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<td>Camper Van Beethoven Is Dead: Long Live Camper Van Beethoven</td>
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<td>2000</td>
<td>Fireflies</td>
<td>Mike Levy</td>
<td>Cello, Viola, Violin</td>
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<td>I Talked to Death in Stereo</td>
<td>Eugene Chadbourne</td>
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<td>Scissors and Paper</td>
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<td>Jimi</td>
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<td>Revenge of Camper Van Chadbourne</td>
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<td>Days for Days</td>
<td>Loud Family</td>
<td>Bouzouki, Cittern, Slide Guitar, Violin</td>
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<td>Greatest Hits &amp; Test Tones</td>
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<td>Hits from the Underground: The 80's</td>
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<td>The Fog Show</td>
<td>Alison Faith Levy</td>
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<td>1998</td>
<td>This Is Acid Jazz, Vol. 6: Golden Age of Groove</td>
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<td>1998</td>
<td>To Phil</td>
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<td>1997</td>
<td>Before X</td>
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<td>1997</td>
<td>Fancy Birdhouse</td>
<td>Jack &amp; Jill</td>
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<td>Sleeping Car (Schlafwagen)</td>
<td>Granfaloon Bus</td>
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<td>1997</td>
<td>Ssssh/Cricklewood Green</td>
<td>Ten Years After</td>
<td>Composer</td>
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<td>Bio-Dome</td>
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<td>Coctails</td>
<td>The Coctails</td>
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<td>C is for Cookie</td>
<td>Sesame Street</td>
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<td>1995</td>
<td>Chill and Shri...</td>
<td>Jack &amp; Jill</td>
<td>Composer, Guitar, Harmonium, Producer, Vocals</td>
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<td>1995</td>
<td>Circles</td>
<td>Fi'ness</td>
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<td>Out in the Heat</td>
<td>Victor Krummenacher</td>
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<td>People's Fuzz</td>
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<td>Here</td>
<td>Hieronymus Firebrain</td>
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<td>Love Like a Man</td>
<td>Ten Years After</td>
<td>Composer</td>
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<td>Pushing the Norton</td>
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<td>A Love Restrained</td>
<td>Granfalone Bus</td>
<td>Guest Artist, Piano, Violin</td>
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<td>Overwhelming Colorfast</td>
<td>Overwhelming Colorfast</td>
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<td>1991</td>
<td>Circles</td>
<td>Kiss Amc</td>
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<td>Inside Out</td>
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<td>Acoustic Music Project</td>
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<td>Eddie Chatterbox Double Trio Jazz Album</td>
<td>Eugene Chadbourne</td>
<td>Mandolin, Violin</td>
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<td>Nijmegen Hassen Hunt</td>
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<td>Album Title</td>
<td>Artist</td>
<td>Role(s)</td>
</tr>
<tr>
<td>------</td>
<td>-----------------------------------------------</td>
<td>---------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1989</td>
<td>Eugene Von Beethoven's 69th Sin Funny</td>
<td>Camper Van Chadbourne</td>
<td>Guitar, Violin</td>
</tr>
<tr>
<td>1989</td>
<td>Key Lime Pie</td>
<td>Camper Van Beethoven</td>
<td>Composer</td>
</tr>
<tr>
<td>1988</td>
<td>Our Beloved Revolutionary Sweetheart</td>
<td>Camper Van Beethoven</td>
<td>Casio, Cittern, Composer, Group Member, Guitar, Keyboards, Mandolin, Photo Courtesy, Piano, Strings, Unknown Contributor Role</td>
</tr>
<tr>
<td>1988</td>
<td>Storytelling</td>
<td>Jonathan Segel</td>
<td>Guitar, Primary Artist, Vocals</td>
</tr>
<tr>
<td>1988</td>
<td>The Ancient and the Infant</td>
<td>Ron Cooley</td>
<td>Composer</td>
</tr>
<tr>
<td>1988</td>
<td>The Eddie Chatterbox Double Trio Love Album</td>
<td>Eugene Chadbourne</td>
<td>Keyboards, Mandolin, Violin</td>
</tr>
<tr>
<td>1988</td>
<td>Third Album/Vampire Can Mating Oven</td>
<td>Camper Van Beethoven</td>
<td>Bass, Coloring, Composer, Guitar, Keyboards, Printer, Violin, Vocals</td>
</tr>
<tr>
<td>1988</td>
<td>This World Owes Me a Buzz</td>
<td>Spot 1019</td>
<td>Violin</td>
</tr>
<tr>
<td>1987</td>
<td>Camper Van Chadbourne</td>
<td>Camper Van Chadbourne</td>
<td>Fiddle, Keyboards, Mandolin, Piano, Sitar</td>
</tr>
<tr>
<td>1987</td>
<td>The Men Who Loved Music</td>
<td>The Young Fresh Fellows</td>
<td>Violin</td>
</tr>
<tr>
<td>1987</td>
<td>Vampire Can Mating Oven</td>
<td>Camper Van Beethoven</td>
<td>Composer</td>
</tr>
<tr>
<td>1986</td>
<td>Camper Van Beethoven</td>
<td>Camper Van Beethoven</td>
<td>Banjo, Bass, Coloring, Composer, Drums, Guitar, Instrumentation, Multi Instruments, Printer, Violin</td>
</tr>
<tr>
<td>1986</td>
<td>II &amp; III</td>
<td>Camper Van Beethoven</td>
<td>Casio, Composer, Guitar (Electric), Mandolin, Noise, Sangbe Drum, Sitar, Viola, Violin</td>
</tr>
<tr>
<td>1986</td>
<td>Take the Skinheads</td>
<td>Camper Van</td>
<td>Composer</td>
</tr>
<tr>
<td>Year</td>
<td>Album</td>
<td>Artist</td>
<td>Role</td>
</tr>
<tr>
<td>------</td>
<td>-------</td>
<td>--------</td>
<td>------</td>
</tr>
<tr>
<td>1985</td>
<td>Telephone Free Landslide Victory</td>
<td>Camper Van Beethoven</td>
<td>Composer, Group Member, Keyboards, Mandolin, Musician, Noise, Violin, Vocals</td>
</tr>
<tr>
<td>1982</td>
<td>Blaze of Glory</td>
<td>Game Theory</td>
<td>Project Assistant</td>
</tr>
<tr>
<td>1975</td>
<td>Rufus Featuring Chaka Khan</td>
<td>Rufus &amp; Chaka Khan</td>
<td>Composer</td>
</tr>
<tr>
<td></td>
<td>Emergency Rental</td>
<td>Rent Romus</td>
<td>Violin</td>
</tr>
<tr>
<td></td>
<td>From Lo-Fi to Disco!</td>
<td>Woog Riots</td>
<td>Composer</td>
</tr>
<tr>
<td></td>
<td>I Had Something to Prove</td>
<td>Eugene Chadbourne</td>
<td>Mandolin</td>
</tr>
<tr>
<td></td>
<td>It Was Like That When We Got Here</td>
<td>Camper Van Beethoven</td>
<td>Composer</td>
</tr>
</tbody>
</table>

**Websites:**

- [http://www.jonathansegel.com/#!about/cadp](http://www.jonathansegel.com/#!about/cadp)
- [http://music.jsegel.com](http://music.jsegel.com)
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (ii) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (iii) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity **mainly** dedicated to the community supporting DotMusic’s application. Such documented **Support** includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a **majority** of the Community with **considerable** millions of members worldwide.²

5) The **Nexus** of the “music” Community matches the “music” applied-for string because it represents the **entire** global Music Community – a community that pre-existed 2007 with a size in the **considerable millions** of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a **closely united** Community definition that is **organized** and **delineated** -- ensures that **all** of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain **without any conflicts of interests, over-reaching or discrimination**.

6) DotMusic has received support from the **largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming **majority** of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the **Nexus, Community Establishment** and **Support** criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would **not** function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² [http://music.us/supporters](http://music.us/supporters)
³ [http://music.us/supporters](http://music.us/supporters)
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application Answer to Question 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector. “Music” is a regulated sector comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

DotMusic’s application follows unified principles that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination (See Application Answers to 18).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

According to Wikipedia:\(^8\)

*Music community is defined as a logical alliance of interdependent communities that are related to music,* which include commercial participants…and non-commercial participants…and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”…UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music…The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values…Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions…subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.\(^9\)

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ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.\(^{10}\)

The Berne Convention for the Protection of Literary and Artistic Works\(^ {11}\) provides that each of the 168 contracting parties\(^ {12}\) (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other

\(^{10}\) [http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html](http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html)


countries. This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”.

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal

20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See http://www.oxforddictionaries.com/definition/english/mainly and http://www.merriam-webster.com/dictionary/mainly respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392).
role with respect to music.\textsuperscript{21} IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\textsuperscript{22} The UNESCO strategic partnership\textsuperscript{23} is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\textsuperscript{24}

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.\textsuperscript{25}

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\textsuperscript{26} Other small government Ministries of Culture, such as Albania,\textsuperscript{27} or government

\textsuperscript{21} \url{http://www.ifacca.org/membership/current_members/}
\textsuperscript{22} \url{http://www.ifacca.org/strategic_partners/}
\textsuperscript{23} \url{http://www.ifacca.org/strategic_partners/}
\textsuperscript{24} \url{http://www.imc-cim.org/about-imc-separator/who-we-are.html}
\textsuperscript{25} U.S Copyright Office, \url{http://www.copyright.gov/carp/m200a.html}
\textsuperscript{26} 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (\url{http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf}). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6),
Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteercism Year (1.2.11)

27 http://www.culturalpolicies.net/down/albania_012011.pdf
33 http://www.pch.gc.ca/eng/1294862453819/1294862453821
• The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.

• The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”

• The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.

• In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide” whose members – major and independent companies – represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member, represents “approximately 85% of all legitimate recorded music produced and sold in the United States,” the world’s largest music market with 30% global market share. Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

38 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
41 http://www.ifpi.org/about.php
42 http://www.ifpi.org/our-members.php
43 http://www.ifpi.org/national-groups.php
44 http://www.riaa.com/faq.php
45 http://www.statista.com/topics/1639/music/
Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\(^4\)

The reach of A2IM Associate membership\(^4\) covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes\(^4\)** – iTunes accounts for 63% of global digital music market\(^4\) - a majority – with a registered community of 800 million registered members\(^5\) available in 119 countries who abide to strict terms of service and boundaries\(^5\) and have downloaded over 25 billion songs\(^2\) from iTunes’ catalog of over 43 million songs\(^3\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^5\)

- **Pandora\(^5\)** – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.\(^6\)

- **Spotify\(^5\)** – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.\(^5\)

- **Vevo\(^5\)** – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.\(^6\)

46 [http://a2im.org/about-joining/](http://a2im.org/about-joining/)
47 [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
48 [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)
54 [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)
55 [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)
56 [http://a2im.org/groups/vevo](http://a2im.org/groups/vevo)
• **Youtube** – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube, of which 38.4% is music-related.

• **Reverbnation** is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG** – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport), China (China Audio Video Association) and Germany (Initiative Musik).

A2IM also has Affiliate associations within the global music community. These include Affiliates such as MusicFirst, the Copyright Alliance, the Worldwide Independent Network (WIN) and Merlin.

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

61 http://www.vevo.com/c/EN/US/about
62 http://a2im.org/groups/youtube/
63 https://www.youtube.com/yt/press/statistics.html
64 http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and
65 http://a2im.org/groups/reverb-nation/
66 http://www.reverbnation.com/about
67 http://a2im.org/groups/bmg-rights/
68 http://www.bmg.com/category/about-us/history/
69 http://a2im.org/groups/french-music-export-office
70 http://a2im.org/groups/china-audio-video-association-cava
71 http://a2im.org/groups/initiative-musik-gmbh
72 http://a2im.org/groups/tag/associate-members/
73 http://musicfirstcoalition.org/coalition
74 http://musicfirstcoalition.org/coalition
75 http://www.copyrightalliance.org/members
76 http://www.winformusic.org
77 http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” — a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

The International Music Products Association, NAMM, is another globally-recognized and relevant group of non-negligible size that has supported DotMusic. NAMM, formed in 1901, is mainly dedicated to the global music community by representing the international music products industry and community, with globally-recognized members and exhibitors that include Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica, AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanex, AVID, Casio, DW, Sabian, Pearl, Zildjian, Martin, Ludwig, Marshall and others. Every amateur and professional musician worldwide uses music products manufactured and distributed by NAMM’s members. Without these musical instruments and products, music as we know it today would not be created or produced. NAMM and its trade shows power the $17 billion global music products industry serving as a hub for the global music community wanting to seek out the newest innovations in musical products, recording technology, sound and lighting. NAMM’s mission is “to strengthen...”

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81 https://www.namm.org/files/showdir/ExhibitorList WN15.xls
82 http://www.musictrades.com/global.html
the music products industry and promote the pleasures and benefits of making music.” NAMM also hosts the NAMM Show, the world's largest event for the music products industry.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

**B) Nexus**

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community. Community members may register a .MUSIC by either:

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83 [https://www.namm.org/about](https://www.namm.org/about)
85 [http://music.us/supporters](http://music.us/supporters)
86 See [http://music.us/nexus](http://music.us/nexus)
1) Identifying that they belong to a Music Community Member Organization ("MCMO"); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

87 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Signature:

Name: David Loscos

Title: Director of the Postgraduate Degree in Global Music Business & Lecturer

Organization: University Pompeu Fabra
David Loscos

Highlights:

- Produced the strategic internationalization plan for Uruguayan music; endorsed by the Creative Industries Department of the Ministry of Culture of the Government of Uruguay.

- Produced the strategic internationalization plan for Chilean music; endorsed by the National Music Council of the Ministry of Culture of the Government of Chile.

- As CEO and founder of Tenzing Media produced and worked on the White Book 2013 for music in Spain (endorsed by Promusicae, the Spanish music recording association); and the Legal and Financial Guide for Music in Spain (endorsed by Instituto Autor).

- Former International and local product manager for BMG Music Spain.

- Former Label and Division manager for PRISA media group.

- MBA in Music Industries, Institute of Popular Music at the University of Liverpool.

- Executive director of the postgraduate degree in music industry management at Pompeu Fabra University in Barcelona.

- Lecturer, Global Entertainment and Music Business [http://valencia.berklee.edu/faculty/david-loscos/]

David’s professional background and vision has always had music at its core.

He started at BMG Music Spain at the end of 1997 where he worked as international and local Product manager. In 2000 he joined Eresmas Interactiva - Wanadoo as World Music Channel Manager. From 2001 until 2003 he worked at MUXXIC Records within the PRISA Media Group, first as Label Manager and then as Director of the Roots and World Music Division. In 2003 he founded and managed Fireyellow, his own music company.

His experience in the educational field has focused on the several sides of the music business. Since 2003, he is the Director of the Music Industry Management Course at the University Pompeu Fabra Institute of Continuing Education in Barcelona. In 2006 he joined ESMUC (Escola Superior de Música de Catalunya) as Professor of Music Publishing and Record Production. One year later, he co-founded Seminarios de la Música, a company specialised on providing intense and continuing training to music industry professionals.

As a consultant he was the co-founder and CEO of Tenzing Media, a business advisory and consulting firm for the music and creative industries that provided internationalization services to music projects and organizations in Spain and Latin America.

David has a degree in Business Management from the University of Barcelona and an MBA in Music Industries from the Institute of Popular Music at the University of Liverpool.

Specialities: Global Music Business, Internationalization, Latin Markets, Global Audiences
Education

*University of Liverpool*
MBA, Music Industries
1999 – 2000

*University of Gothenburg*
Economics
1995 – 1996

*Universitat de Barcelona*
Graduate, Business Management
1990 – 1995

*Universitat Pompeu Fabra*
Executive Programme, Consultant

Experience

*Director of the Postgraduate Degree in Global Music Business*
idEC / UPF
2004 – Present (11 years), Barcelona

The first music business postgraduate degree in Spanish worldwide currently reaches its 11th edition. The programme proposes the integrated learning of the music business. Starting from the creation, the contents are structured horizontally so that, besides the format, the areas of management, production and marketing of any music project are perfectly defined.

*Faculty Member*
Berklee College of Music
January 2012 – Present (3 years 8 months) Valencia Campus

Courses taught:

- Principles of Marketing - Study Abroad
- International Marketing and Branding - Master in Global Entertainment and Music Business
- Online and Social Media Management - Master in Global Entertainment and Music Business

*Founder and CEO*
Fireyellow
2003 – Present (12 years)
Barcelona

"Devoted to music related projects and organizations"
Fireyellow provides four different kind of services:

a) Training
b) Consulting
c) Joint ventures and partnerships
d) Label and digital distribution

Acts and releases: Maria del Mar Bonet, Toti Soler, Gallygows, Auxiliar, El Tercer Hombre
Music soundtracks: Porca Miseria (TVC, 52 chapter series, 4 seasons)
Joint ventures: Collita Pròpia (Sony Music)

Co-Founder and CEO
Tenzing Media
2008 – 2014 (6 years)

Creative industries consulting agency specialised on music projects and organizations.

Clients: Cluster de Música de Uruguay, Consejo de Música Nacional de Chile, Festival Cine Documental Musical In-Edit, Advanced Music, Universitat Pompeu Fabra, ICEX, Aie, Fundación Autor

Director División Otras Músicas
Muxxic Records
October 2001 – December 2002 (1 year 3 months)

Local Product Manager
BMG Music Spain (SONY Music)
March 2001 – October 2001 (8 months)

Jefe de Canal
Eresmas Interactiva (Wanadoo)
September 2000 – March 2001 (7 months)

International Product Manager
BMG Music Spain
December 1997 – September 1999 (1 year 10 months)

Website: https://www.linkedin.com/in/davidloscos
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the **cohesive, symbiotic and overlapping nature of the global Music Community**. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are **closely united** and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a **globally-recognized set of standards for**

\(^1\) [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392)
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.2

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support3 from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

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2 http://music.us/supporters
3 http://music.us/supporters
A) *Music Community Definition, Establishment & Community Endorsement*

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

1. **An Organized, Cohesive, Interdependent Logically-Allied Community:**

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary[^6]) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries[^7]).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;
2. The organized and delineated logical alliance of communities exists; and
3. The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

According to Wikipedia:⁸

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.⁹

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.13 This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.18

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”):19 “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of…a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly20 dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.21 IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and

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20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See http://www.oxforddictionaries.com/definition/english/mainly and http://www.merriam-webster.com/dictionary/mainly respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392).
21 http://www.ifacca.org/membership/current_members/
influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania, or government Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

22 http://www.ifacca.org/strategic_partners/
23 http://www.ifacca.org/strategic_partners/
24 http://www.imc-cim.org/about-imc-separator/who-we-are.html
26 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moeCy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
27 http://www.culturalpolicies.net/down/albania_012011.pdf
Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).  

- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.

- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.

- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”.

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33 http://www.pch.gc.ca/eng/1294862453819/1294862453821  
38 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.\(^{39}\)
- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.\(^{40}\)

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\(^{41}\)

The reach of A2IM Associate\(^{42}\) membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**\(^{43}\) – iTunes accounts for 63% of global digital music market\(^{44}\) - a majority – with a registered community of 800 million registered members\(^{45}\) available in 119 countries who abide to strict terms of service and boundaries\(^{46}\) and have downloaded over 25 billion songs\(^{47}\) from iTunes’ catalog of over 43 million songs\(^{48}\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^{49}\)

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\(^{41}\) [http://a2im.org/about-joining/](http://a2im.org/about-joining/)

\(^{42}\) [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)

\(^{43}\) [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)


- **Pandora**[^50] – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.[^51]
- **Spotify**[^52] – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.[^53]
- **Vevo**[^54] – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.[^55]
- **Youtube**[^56] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,[^57] of which 38.4% is music-related.[^58]
- **Reverbnation**[^59] – Reverbnation[^60] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.
- **BMG**[^61] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^62]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^63]), China (China Audio Video Association[^64]) and Germany (Initiative Musik).[^65] A2IM also has Affiliate[^66] associations within the global music community. These include Affiliates such as MusicFirst,[^67] the Copyright Alliance,[^68] the Worldwide Independent Network (WIN)[^69] and Merlin.[^70]

[^50]: http://a2im.org/groups/pandora
[^52]: http://a2im.org/groups/spotify
[^54]: http://a2im.org/groups/vevo/
[^55]: http://www.vevo.com/c/EN/US/about
[^56]: http://a2im.org/groups/youtube/
[^57]: https://www.youtube.com/yt/press/statistics.html
[^58]: http://www.researchandmarkets.com/reports/2092499/internet_video_2011_2014_view_share_site_and
[^59]: http://a2im.org/groups/reverb-nation/
[^60]: http://www.reverbnation.com/about
[^61]: http://a2im.org/groups/bmg-rights/
[^63]: http://a2im.org/groups/french-music-export-office
[^64]: http://a2im.org/groups/china-audio-video-association-cava
[^65]: http://a2im.org/groups/initiative-musik-gmbh
[^66]: http://a2im.org/groups/tag/associate+members/
[^67]: http://musicfirstcoalition.org/coalition, The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
[^68]: http://www.copyrightalliance.org/members
[^69]: http://www.winformusic.org
A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide” whose members – major and independent companies – represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member, represents “approximately 85% of all legitimate recorded music produced and sold in the United States,” the world’s largest music market with 30% global market share. Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” – a majority of global music.

70 http://www.merlinnetwork.org
72 http://www.ifpi.org/about.php
73 http://www.ifpi.org/our-members.php
74 http://www.ifpi.org/national-groups.php
75 http://www.riaa.com/faq.php
76 http://www.statista.com/topics/1639/music/
Another letter\textsuperscript{79} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95\% of music consumed globally.\textsuperscript{80} Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support\textsuperscript{81} from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for \textit{Community Establishment} and \textit{Community Endorsement} from the majority of the global Music Community as defined.

\textbf{B) Nexus}\textsuperscript{82}

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The \textit{Nexus} of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music

\textsuperscript{79} \url{https://www.icann.org/en/system/files/correspondence/aguirre-to-icann-board-eiu-14apr15-en.pdf}
\textsuperscript{81} \url{http://music.us/supporters}
\textsuperscript{82} See \url{http://music.us/nexus}
entities to be included as part of the Community. Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as

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83 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

Signature:  

Name: David Lowery

Title: Lecturer/EDD Candidate

Organization: University of Georgia
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application for .MUSIC (Application ID 1-1115-14110)

To ICANN and the Economist Intelligence Unit (“EIU”):

Please accept this letter as an indication of my professional opinion that there is compelling evidence for DotMusic’s application to convincingly meet the full criteria under Community Priority Evaluation on the following points: (1) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing the global Music Community addressed and defined.

Please also find below the analysis of the DotMusic application pertaining to the Community Priority Evaluation criteria, and on which my assessment is based. The analysis is consistent with key findings in my research field of organization studies where the focus is specifically on matters relating to community (see for example: Glynn, 2008; Marquis, Glynn & Davis, 2007; Marquis, Lounsbury & Grenwood, 2011; Schneiberg & Lounsbury, 2008; Thornton, Ocasio & Lounsbury, 2012). My credentials are attached below this analysis to identify my level of expertise and specialized knowledge with respect to the expert opinion expressed above.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These

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1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.7

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined.

7 http://music.us/supporters
Cumulatively, DotMusic possesses documented support from institutions/organizations representing this Community.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

ASSESSMENT OF COMMUNITY DEFINITION, ESTABLISHMENT AND NEXUS

A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.10

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary11) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries12).

8 http://music.us/supporters
9 See http://music.us/establishment
11 http://www.merriam-webster.com/dictionary/cohesion
12 http://www.oxforddictionaries.com/us/definition/english/cohesion
The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

According to Wikipedia:13

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants…and non-commercial participants…and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”…UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music…The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values…Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions…subscription to common ideals. Under such

structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.14

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.15

15 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
The Berne Convention for the Protection of Literary and Artistic Works provides that each of the 168 contracting parties (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries. This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”.

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI.

(Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to

17 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
18 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
19 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
20 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
21 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
22 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.23

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”)24: “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of…a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.25 IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

25 http://www.ifacca.org/membership/current_members/
The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania, or government Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include

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26 http://www.ifacca.org/strategic_partners/
27 http://www.ifacca.org/strategic_partners/
28 http://www.imc-cim.org/about-imc-separator/who-we-are.html
30 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
31 http://www.culturalpolicies.net/down/albania_012011.pdf
government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.33

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).34
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.35
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66).36 The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.37
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.38
- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception39 and has a strong focus on music as outlined in its Strategic Plan40 with Congress requested to provide $154,465,000 for fiscal year 2014.41
- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”42

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33 http://my midem.com/en/contact-us/pavilion-representatives/
37 http://www.pch.gc.ca/eng/1294862453819/1294862453821
• The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.  

• In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

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42 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
45 http://a2im.org/about-joining/
46 http://a2im.org/groups/tag/associate+members/
• **Apple iTunes**\(^{47}\) – iTunes accounts for 63% of global digital music market\(^{48}\) - a majority – with a registered community of 800 million registered members\(^{49}\) available in 119 countries who abide to strict terms of service and boundaries\(^{50}\) and have downloaded over 25 billion songs\(^{51}\) from iTunes’ catalog of over 43 million songs\(^{52}\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^{53}\)

• **Pandora**\(^{54}\) – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.\(^{55}\)

• **Spotify**\(^{56}\) – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.\(^{57}\)

• **Vevo**\(^{58}\) – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.\(^{59}\)

• **Youtube**\(^{60}\) – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,\(^{61}\) of which 38.4% is music-related.\(^{62}\)

• **Reverbnation**\(^{63}\) – Reverbnation\(^{64}\) is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

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\(^{47}\) [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)


\(^{52}\) [https://www.apple.com/itunes/features/](https://www.apple.com/itunes/features/)


\(^{54}\) [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)


\(^{56}\) [http://a2im.org/groups.spotify](http://a2im.org/groups.spotify)


\(^{58}\) [http://a2im.org/groups/vevo](http://a2im.org/groups/vevo)


\(^{60}\) [http://a2im.org/groups/youtube](http://a2im.org/groups/youtube)


\(^{63}\) [http://a2im.org/groups/reverb-nation/](http://a2im.org/groups/reverb-nation/)

\(^{64}\) [http://www.reverbnation.com/about](http://www.reverbnation.com/about)
• BMG\textsuperscript{65} – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.\textsuperscript{66}

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport\textsuperscript{67}), China (China Audio Video Association\textsuperscript{68}) and Germany (Initiative Musik).\textsuperscript{69}

A2IM also has Affiliate\textsuperscript{70} associations within the global music community. These include Affiliates such as MusicFirst,\textsuperscript{71} the Copyright Alliance,\textsuperscript{72} the Worldwide Independent Network (WIN)\textsuperscript{73} and Merlin.\textsuperscript{74}

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.\textsuperscript{75} The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99\% of music actors in Europe which are micro, small and medium sized enterprises.

Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

\begin{footnotes}
\textsuperscript{65} \url{http://a2im.org/groups/bmg-rights/} \\
\textsuperscript{66} \url{http://www.bmg.com/category/about-us/history/} \\
\textsuperscript{67} \url{http://a2im.org/groups/french-music-export-office} \\
\textsuperscript{68} \url{http://a2im.org/groups/china-audio-video-association-cava} \\
\textsuperscript{69} \url{http://a2im.org/groups/initiative-musik-gmbh} \\
\textsuperscript{70} \url{http://a2im.org/groups/tag/associate+members/} \\
\textsuperscript{71} \url{http://musicfirstcoalition.org/coalition} \textsuperscript{, The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.} \\
\textsuperscript{72} \url{http://www.copyrightalliance.org/members} \\
\textsuperscript{73} \url{http://www.winformusic.org} \\
\textsuperscript{74} \url{http://www.merlinnetwork.org} \\
\end{footnotes}
Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” -- a majority of global music.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

**B) Nexus**

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

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78 http://music.us/supporters
79 See http://music.us/nexus
Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.
In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Date: Friday, April 24, 2015

Dean Pierides
Lecturer in Organisations and Society
Manchester Business School
The University of Manchester

**About Dean Pierides**

*Qualifications*

BA, University of Pennsylvania  
Major: Biology  
Concentration: Molecular  
Minors: Chemistry, Folklore and Folklife

DipEd, University of Melbourne  
Awards: Dean's Honours List  
Areas: Science, Biology, Environmental Science

MEd, University of Melbourne  
Degree: Coursework and Major Thesis  
Awards: First Class Honours (Unpublished)

*Awards*

Research Fellowship in Organisation, Society and Markets (2013)  
Postdoctoral fellowship at the *Centre for Organisation, Society and Markets* (COSM)
The Konrad Boehmer Fellowship (2012)
Postdoctoral fellowship for research on market power and economic value in the music industry

Australian Postgraduate Award (2008-2012)
Australian Federal Government

Special Postgraduate Studentship (2008-2012)
Graduate School of Business and Economics, University of Melbourne

Teaching and Innovation Grant (2007)
Teaching and Learning Unit, Faculty of Economics and Commerce, University of Melbourne

Teaching Excellence Award (2006)
Faculty of Education, University of Melbourne

Fulbright Scholarship Program (1997-2001)
The Fulbright Commission

Memberships

International Sociological Association (ISA)
RC17: Sociology of Organizations
(Board Member)

European Group for Organizational Studies (EGOS)
(Member and past convener of sub-themes)

International Centre for Research in Organizational Discourse, Strategy & Change
(Member)

Charisma - Consumer Market Studies
(Member and Contributor)

Meridian 180
(Member and Contributor)
Current teaching

Subject BMAN20920: Critical management and organisation studies (2014-2015)
BSc Management and Management (specialisms), BSc International Management, BSc International Management with American Business Studies

Course Unit BMAN20600 - International business strategy: Contexts, concepts and skills (2015)
BA (Econ) Business Studies Specialists, BA International Business, Finance and Economics, BSc International Management, BSc Management (International Studies) Specialism, BSc Management (International Business Economics) Specialism and BSc International Management with American Business Studies

Previous Positions

University of Melbourne
Research Fellow in Organisation, Society and Markets
Department of Management and Marketing
Organisation Studies

Copenhagen Business School
Visiting scholar
Department of Organization (IOA)

Responsibilities

Ad hoc reviewer: Journal of Management
Ad hoc reviewer: Academy of Management Review
Ad hoc reviewer: Human Relations
Ad hoc reviewer: Management Learning
Ad hoc reviewer: Culture and Organization
Ad hoc reviewer: The Australian Sociological Association
Ad hoc reviewer: The Academy of Management (OMT Division)
Ad hoc reviewer: The Academy of Management (CMS Division)
Ad hoc reviewer: Australasian Journal of Marketing
President of the University of Pennsylvania Australian Alumni Club (2003-2013)
Co-chair of the Penn Alumni Secondary School Committee in Australia (2011-2013)
Volunteer for the Penn Alumni Secondary School Committee (2003-2011)
Department of Management & Marketing PhD student representative (2009-2011)
Department of Management & Marketing Research Committee (2010)

Select journal articles


Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application¹ for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (ii) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (iii) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

¹ https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
ASSESSMENT OF COMMUNITY DEFINITION, ESTABLISHMENT AND NEXUS

A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application Answer to Question 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector. “Music” is a regulated sector comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

DotMusic’s application follows unified principles that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination (See Application Answers to 18).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia. According to Wikipedia:⁸

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.⁹

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ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other

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10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
countries. This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”.

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.  

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15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See [http://isrc.ifpi.org](http://isrc.ifpi.org), [https://www.usisrc.org/about/index.html](https://www.usisrc.org/about/index.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=23401](http://www.iso.org/iso/catalogue_detail?csnumber=23401)
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See [http://www.isni.org](http://www.isni.org) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)
Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

*** iii) International Federations and Organizations mainly Dedicated to the Community: ***

According to ICANN’s Applicant Guidebook (“AGB”)[19]: “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly[20] dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role in the development and promotion of the arts, cultural activities, and policies at the national level, and they represent the interests of the arts and culture sectors to international organizations and policymakers. They also provide a platform for the exchange of ideas, best practices, and resources among member countries. IFACCA is dedicated to promoting the policies, values, and interests of government culture agencies and arts councils around the world, and it is an important voice for the arts and culture sector at the international level.
role with respect to music.\textsuperscript{21} IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\textsuperscript{22} The UNESCO strategic partnership\textsuperscript{23} is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\textsuperscript{24}

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.\textsuperscript{25}

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\textsuperscript{26} Other small government Ministries of Culture, such as Albania,\textsuperscript{27} or government

\begin{thebibliography}{99}
\bibitem{21} http://www.ifacca.org/membership/current_members/
\bibitem{22} http://www.ifacca.org/strategic_partners/
\bibitem{23} http://www.ifacca.org/strategic_partners/
\bibitem{24} http://www.imc-cim.org/about-imc-separator/who-we-are.html
\bibitem{25} U.S Copyright Office, http://www.copyright.gov/carp/m200a.html
\bibitem{26} 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6),
\end{thebibliography}
Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

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27 http://www.culturalpolicies.net/down/albania_012011.pdf
33 http://www.pch.gc.ca/eng/1294862453819/1294862453821
• The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception$^{35}$ and has a strong focus on music as outlined in its Strategic Plan$^{36}$ with Congress requested to provide $154,465,000 for fiscal year 2014.$^{37}$

• The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”$^{38}$

• The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.$^{39}$

• In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.$^{40}$

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide”$^{41}$ whose members$^{42}$ – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member,$^{43}$ represents “approximately 85% of all legitimate recorded music produced and sold in the United States,”$^{44}$ the world’s largest music market with 30% global market share.$^{45}$ Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

$^{36}$ NEA Strategic Plan 2012-2016, www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf
$^{37}$ http://www.ifacca.org/national_agency_news/2013/04/10/us-president-requests-154465000-neh-2014/
$^{38}$ 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
$^{40}$ http://www.taitteenkeskustoimikunta.fi/documents/10162/31704/TY+tilastotiedote+1+12+.pdf, Page 1 and Page 23
$^{41}$ http://www.ifpi.org/about.php
$^{42}$ http://www.ifpi.org/our-members.php
$^{43}$ http://www.ifpi.org/national-groups.php
$^{44}$ http://www.riaa.com/faq.php
$^{45}$ http://www.statista.com/topics/1639/music/
Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.46

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes** – iTunes accounts for 63% of global digital music market - a majority – with a registered community of 800 million registered members available in 119 countries who abide to strict terms of service and boundaries and have downloaded over 25 billion songs from iTunes’ catalog of over 43 million songs covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.

- **Pandora** – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.

- **Spotify** – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.

- **Vevo** – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.

46 http://a2im.org/about-joining/
47 http://a2im.org/groups/tag/associate+members/
48 http://a2im.org/groups/itunes
50 http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt
53 https://www.apple.com/itunes/features/
55 http://a2im.org/groups/pandora
57 http://a2im.org/groups/spotify
59 http://a2im.org/groups/vevo/
• **Youtube** – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube, of which 38.4% is music-related.

• **Reverbnation** is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG** – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport), China (China Audio Video Association) and Germany (Initiative Musik). A2IM also has Affiliate associations within the global music community. These include Affiliates such as MusicFirst, the Copyright Alliance, the Worldwide Independent Network (WIN) and Merlin.

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

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61 http://www.vevo.com/c/EN/US/about
62 http://a2im.org/groups/youtube/
63 https://www.youtube.com/yt/press/statistics.html
64 http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and
65 http://a2im.org/groups/reverb-nation/
66 http://www.reverbnation.com/about
67 http://a2im.org/groups/bmg-rights/
68 http://www.bmg.com/category/about-us/history/
69 http://a2im.org/groups/french-music-export-office
70 http://a2im.org/groups/china-audio-video-association-cava
71 http://a2im.org/groups/initiative-musik-gmbh
72 http://musicfirstcoalition.org/coalition, The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
73 http://www.copyrightalliance.org/members
74 http://www.winformusic.org
75 http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” — a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

The International Music Products Association, NAMM, is another globally-recognized and relevant group of non-negligible size that has supported DotMusic. NAMM, formed in 1901, is mainly dedicated to the global music community by representing the international music products industry and community, with globally-recognized members and exhibitors that include Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica, AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanex, AVID, Casio, DW, Sabian, Pearl, Zildjian, Martin, Ludwig, Marshall and others. Every amateur and professional musician worldwide uses music products manufactured and distributed by NAMM’s members. Without these musical instruments and products, music as we know it today would not be created or produced. NAMM and its trade shows power the $17 billion global music products industry serving as a hub for the global music community wanting to seek out the newest innovations in musical products, recording technology, sound and lighting. NAMM’s mission is “to strengthen

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81 https://www.namm.org/files/showdir/ExhibitorList WN15.xls
82 http://www.musictrades.com/global.html
the music products industry and promote the pleasures and benefits of making music." NAMM also hosts the NAMM Show, the world's largest event for the music products industry.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook ("AGB"), to receive the maximum score for Nexus, the applied-for string -- "music" -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community. Community members may register a .MUSIC by either:

83 https://www.namm.org/about
85 http://music.us/supporters
86 See http://music.us/nexus
1) Identifying that they belong to a Music Community Member Organization ("MCMO"); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

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87 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Signature: [Redacted]

Name: Andrew Dubber

Title: Professor of Music Industry Innovation

Organization: Birmingham City University
Andrew Dubber (or just "Dubber" as he is more usually known) is Professor of Music Industries Innovation, and the Award Leader for the MA in Music Industries and the MA in Music Radio at the Birmingham School of Media. He is a researcher on the Humanities in the European Research Area (HERA)-funded Rhythm Changes project.

Dubber moved to the UK from New Zealand in 2004 where, amongst many other things, he was the Degree Leader in Radio at Auckland University of Technology and the host of a jazz radio programme on George FM. He is internationally recognised as a leading consultant and academic in new strategies and technologies for the radio and the music industries.

Dubber is the author of Music in the Digital Age; editor of 'The 360 Deal: a collection of genuinely helpful advice for people starting out in the music industry'; co-author of Understanding the Music Industries (Sage, 2012); and has recently completed his new book, Radio in the Digital Age (Polity Books, forthcoming 2013). He also is the co-author of a book about new technologies for broadcasters in developing nations, commissioned by UNESCO, and has been a member of the steering committee for the Radio Studies Network and the board of Un-Convention.

He has also written for Computer Music Magazine, authored sections on blogging and podcasting for the Alternative Media Handbook (Routledge, 2008), and travels extensively to present to academic and industry conferences in this field.

Andrew Dubber is the director of Music Tech Fest, an advisor to Bandcamp, Stromatolite and Sonaris and is the founder of New Music Strategies, a pan-European digital music strategy think tank and consultancy group. He is the author of Music In The Digital Age (2012), Radio in the Digital Age (2013), Understanding the Music Industries (2012), The 20 Things You Must Know About Music Online (2007), and is the editor of The 360 Deal (2013), which features the advice of 360 top music business professionals for young people just starting out in the music industries.

He is a frequent keynote speaker at music industry events worldwide; his blogs and podcasts reach audiences numbering in the hundreds of thousands; and is followed by over 11,000 people on Twitter, where he posts about music industry innovation, popular music culture and digital media.

Dubber is Professor of Music Industry Innovation at Birmingham City University where he runs an MA in Music Industries, supervises PhD projects in music, media and culture and leads research projects within the Interactive Cultures unit at the Birmingham Centre for Media and Cultural Research (BCMCR). His research interests include digital media cultures, media and music innovation, online music enterprise, radio in the digital age, music as a tool for social change, and music as culture. He teaches about radio broadcasting, the music industries, music hacking and the online environment.

As an academic, Dubber is extensively published and frequently cited. However, his background is primarily as a practitioner in the media industries as a radio producer and presenter, label owner and record producer.
**Education**

*University of Liverpool*
MBA, Music Industries
1999 – 2000

*University of Gothenburg*
Economics
1995 – 1996

*Universitat de Barcelona*
Graduate, Business Management
1990 – 1995

*Universitat Pompeu Fabra*
Executive Programme, Consultant

**Research**

Research themes include:

- Music Innovation
- Music as a Tool for Social Change
- Radio
- Music Industries
- Music and Digital Culture
- Jazz and European Identity

**Publications**


Journal articles


Dubber, A. ‘Monkey on the Roof: Researching creative practice, music consumption, social change and the online environment’ Creative Industries Journal, Special Issue on Practice-Led Research, 4/1 2012


Dubber, A. ‘The radio interview as teaching’ The Radio Journal 2/2 2004

Book chapters & contributions


Dubber, A. & Wall, T. ‘New broadcast technologies’ UNESCO 2006 (handbook commissioned by UNESCO to be printed and distributed to community and public broadcasters in developing nations)


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**Research Reports**


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**Magazine articles**


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**Conferences**


'Shift Left 95: From Cultural Cringe to the New Aesthetic in Aotearoa New Zealand', Rethinking Jazz Cultures, University of Salford, April 2013.

'This one time, at Bandcamp: Behavioural skeuomorphism and online independent music retail', Severn Pop Network inaugural conference: The small economies of the 'new' music industry, University of Bristol, March 2013.

'Radio in the Digital Age', Media Research Seminar, University of Sunderland, October 2012.


'Music as Culture in the Digital Age', Música Independiente no Contexto Pós-Crise, Universidade do Estado do Rio de Janeiro, October 2011.


'Online mediation of jazz performance, its context and its audiences', Watching Jazz Conference, University of Glasgow, February 2011.


'Aftershock: Mediating Live Music Events Online', ECREA 3rd European Communication Conference, University of Hamburg, October 2010.

'Rhythm Changes: Jazz cultures and European identities (Jazz online)', 9th Nordic Jazz Conference, Helsinki, August 2010.


'Mediating live jazz festivals online', Mediating Jazz Conference, University of Salford, November 2009.


'There is no 'We' in iPod', The First European Communication Conference, University of Amsterdam, November 2005.


Websites

http://www.bcu.ac.uk/media/applying-to-us/our-staff/andrew-dubber
http://andrewduber.com/books
http://bcu.academia.edu/dubber
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application¹ for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

¹ https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.2

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support3 from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

2 http://music.us/supporters
3 http://music.us/supporters
A) **Music Community Definition, Establishment & Community Endorsement**

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) **An Organized, Cohesive, Interdependent Logically-Allied Community:**

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.  

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).  

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

1. There is an awareness and recognition among its members;
2. The organized and delineated logical alliance of communities exists; and
3. The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See [http://music.us/establishment](http://music.us/establishment)
According to Wikipedia:\(^8\)

*Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants… and non-commercial participants…and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”… UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music… The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values… Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions… subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.\(^9\)*

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.\(^\text{10}\)

The Berne Convention for the Protection of Literary and Artistic Works\(^\text{11}\) provides that each of the 168 contracting parties\(^\text{12}\) (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.\(^\text{13}\) This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music.

\(^{10}\) http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html  
\(^{11}\) http://www.wipo.int/treaties/en/text.jsp?file_id=283698  
\(^{12}\) http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15  
\(^{13}\) http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.^18

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

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^14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173

^15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401

^16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780

^17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292

iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”)\(^\text{19}\): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly\(^\text{20}\) dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music.\(^\text{21}\) IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and

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\(^{20}\) Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See [http://www.oxforddictionaries.com/definition/english/mainly](http://www.oxforddictionaries.com/definition/english/mainly) and [http://www.merriam-webster.com/dictionary/mainly](http://www.merriam-webster.com/dictionary/mainly) respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at [http://music.us/supporters](http://music.us/supporters) and [https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392](https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392)).

\(^{21}\) [http://www.ifacca.org/membership/current_members/](http://www.ifacca.org/membership/current_members/)
influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in an appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities. Other small government Ministries of Culture, such as Albania, or government Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

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22 http://www.ifacca.org/strategic_partners/
23 http://www.ifacca.org/strategic_partners/
24 http://www.imc-cim.org/about-imc-separator/who-we-are.html
26 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
27 http://www.culturalpolicies.net/down/albania_012011.pdf
Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).  

- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.

- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.

- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”.

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36 NEA Strategic Plan 2012-2016, [www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf](http://www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf)
38 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, [http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download](http://www.nac.org.za/media/publications/AR%202010-11%20NAC.PDF/download), Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
• The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.\(^{39}\)

• In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.\(^{40}\)

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\(^{41}\)

The reach of A2IM Associate\(^{42}\) membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

• **Apple iTunes**\(^{43}\) – iTunes accounts for 63% of global digital music market\(^{44}\) - a majority – with a registered community of 800 million registered members\(^{45}\) available in 119 countries who abide to strict terms of service and boundaries\(^{46}\) and have downloaded over 25 billion songs\(^{47}\) from iTunes’ catalog of over 43 million songs\(^{48}\) covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\(^{49}\)

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\(^{41}\) [http://a2im.org/about-joining/](http://a2im.org/about-joining/)

\(^{42}\) [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)

\(^{43}\) [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)


• **Pandora**[^50] – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.[^51]

• **Spotify**[^52] – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.[^53]

• **Vevo**[^54] – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.[^55]

• **Youtube**[^56] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,[^57] of which 38.4% is music-related.[^58]

• **Reverbnation**[^59] – Reverbnation[^60] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**[^61] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^62]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^63]), China (China Audio Video Association[^64]) and Germany (Initiative Musik).[^65] A2IM also has Affiliate[^66] associations within the global music community. These include Affiliates such as MusicFirst[^67] the Copyright Alliance,[^68] the Worldwide Independent Network (WIN)[^69] and Merlin.[^70]

[^50]: http://a2im.org/groups/pandora
[^51]: http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/ and http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9MTkxNTM1fENoaWxkSUQ9LTFT8VHwZT0z&t=1, Pg.9
[^52]: http://a2im.org/groups/spotify
[^54]: http://a2im.org/groups/vevo/
[^55]: http://www.vevo.com/c/EN/US/about
[^56]: http://a2im.org/groups/youtube/
[^57]: https://www.youtube.com/yt/press/statistics.html
[^58]: http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and
[^59]: http://a2im.org/groups/reverb-nation/
[^60]: http://www.reverbnation.com/about
[^61]: http://a2im.org/groups/bmg-rights/
[^63]: http://a2im.org/groups/french-music-export-office
[^64]: http://a2im.org/groups/china-audio-video-association-cava
[^65]: http://a2im.org/groups/initiative-musik-gmbh
[^66]: http://a2im.org/groups/tag/associate+members/
[^67]: http://musicfirstcoalition.org/coalition, The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
[^68]: http://www.copyrightalliance.org/members
[^69]: http://www.winformusic.org
A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide” whose members – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member, represents “approximately 85% of all legitimate recorded music produced and sold in the United States,” the world’s largest music market with 30% global market share. Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” – a majority of global music.

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70 http://www.merlinnetwork.org
72 http://www.ifpi.org/about.php
73 http://www.ifpi.org/our-members.php
74 http://www.ifpi.org/national-groups.php
75 http://www.riaa.com/faq.php
76 http://www.statista.com/topics/1639/music/
Another letter\textsuperscript{79} sent to ICANN (on April 14\textsuperscript{th}, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally.\textsuperscript{80} Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support\textsuperscript{81} from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for \textit{Community Establishment} and \textit{Community Endorsement} from the majority of the global Music Community as defined.

\textbf{B) Nexus}\textsuperscript{82}

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The \textit{Nexus} of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music

\textsuperscript{81} http://music.us/supporters
\textsuperscript{82} See http://music.us/nexus
entities to be included as part of the Community. Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as

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83 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

Signature:  

Name: Bobby Borg

Title: Adjunt Professor of Music Business and Marketing, Author, Musician

Organization: Bobby Borg Consulting Group
About Bobby Borg

Bobby Borg is a former Major label, independent, and DIY recording/touring artist with over 25 years experience. A graduate of Berklee College of Music with a BA in Professional Music, and UCLA Extension with a certificate in Marketing Management and Project Management, he serves as a music business educator at Musician’s Institute in Hollywood and at the University of Los Angeles in California, and he also arranges educational programs with institutions overseas. As a music business and A&R consultant to managers, labels, and supervisors, Borg is also a prominent guest speaker at music industry events and a regular contributor to international music business publications. He is the author of Billboard Books best-seller The Musician’s Handbook: A Practical Guide To Understanding The Music Business and Music Marketing For The DIY Musician. Borg was elected Vice President of Special Events For The American Marketing Association in Los Angeles and was awarded the Volunteer of the Year.

Academic

Borg earned a B.A in Professional Music at Berklee College of Music in Boston—special awards and honors include: Outstanding Participation in The Berklee Concert Series. Borg also received a certificate in Instructor Development at UCLA Extension (focusing on curriculum development, leadership, and management), Music Marketing (focusing on research, planning, and strategizing), and Project Management (focusing on schedules, budgets, and quality).

Author

Borg’s book The Musician’s Handbook: A Practical Approach To Understand The Music Business (Billboard Books) has been used in educational institutions and songwriters’ groups globally. He is also the author of Music Marketing For The DIY Musician: Creating and Executing A Plan of Attack on a Low Budget. Attorney Peter Peterno (representing Dr. Dre), Don Gorder (Chairman of music business at Berklee College of Music), and Steve Vai (noted guitarist) endorse Borg’s works. He is the author of seven other music instructional books including Rudimental Combinations.

Educator

Borg is currently an instructor at Musician’s Institute and UCLA Extension where he teaches music business classes including: Intro To Music Publishing, Independent Music Marketing, The Business of Working Musicians, From the Streets To Success, Doing Business as a Band, and Music Business for Degree Students. He arranges educational opportunities for institutions around the world, such as Russia and Japan, and travels overseas to lecture on the U.S industry. Borg also teaches drum and percussion classes.
**Recording Artist**

Borg was part of the multi-platinum rock group *Warrant* where he helped write and record two albums, *Belly To Belly* and *Warrant Live* (released by CMC/BMG). The band toured extensively throughout the United States, Japan, Canada, and Mexico playing large clubs and amphitheatres—both as a headliner and a supporting act to artists like Alice Cooper and Vince Neil.

Borg was also part of the rock group *Beggars & Thieves* where he recorded *Beggars & Thieves* on Atlantic Records. The band was managed by Q-Prime Management (managers of Metallica and Smashing Pumpkins), produced by Steve Thompson and Michael Barbiero, and assisted by Desmond Childs (songwriter for Aerosmith, KISS, and many others).

Borg formed the alternative rock band *Left for Dead* where he released *Beatings from Orlando* (licensed by Alfa Music Japan). LFD embraced the independent and DIY work ethic and toured the United States in small vans. Pearl, Rhythm-Tech, Sabian, and other major equipment manufacturers sponsored him, and still do today.

**Moderator/Panelist/Key Note Speaker**

As a moderator, panelist, and key note speaker, Borg contributes to major industry panels for The California Lawyers For The Arts, SXSW, Taxi Road Rally, Berklee College of Music, and the University of Miami, and he sits beside noted guests like Todd Brabeck (ASCAP), Joe DiMona (BMI), and Dina LaPolt (LaPolt Law). He also speaks to a series of songwriter groups like Songsalive, Songnet, and Just Plain Folks. Borg is noted for his energy, clarity, organization, and real-word experiences.

**Journalist**

Borg writes for a number of international publications such as *Modern Drummer*, *Music Connection*, *Berklee Today*, *Performer*, and *Singer Magazine*. Additionally, he is a contributor to a number of websites including Get Signed.com, *Music Dish*, and *Indie-Music.com*.

**Consultant**

As a music business consultant, Borg meets privately with managers, producers, production companies, independent and DIY artists, songwriters, and anyone else needing advice in business, presentation, and career strategy. Both one-on-one (nation-wide, seasonally) and phone consultations are available.

Bobby Borg’s Website: [http://www.bobbyborg.com/about/bio](http://www.bobbyborg.com/about/bio)
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s *Establishment* as defined by DotMusic; (ii) the matching *Nexus* between the “music” Community and the “music” string (or top-level domain); and (iii) that DotMusic possesses documented *Support* from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

**SUMMARY**

DotMusic has established the following:

1) Its Community definition recognizes the **cohesive, symbiotic and overlapping nature** of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the **requisite awareness and recognition** of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are **closely united** and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a **globally-recognized set of standards** for

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.2

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support3 from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

2 http://music.us/supporters
3 http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application Answer to Question 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector. “Music” is a regulated sector comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

DotMusic’s application follows unified principles that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination (See Application Answers to 18).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

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4 See http://music.us/establishment  
6 http://www.merriam-webster.com/dictionary/cohesion  
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia. According to Wikipedia:8

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a "community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.9


ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.¹⁰

The Berne Convention for the Protection of Literary and Artistic Works¹¹ provides that each of the 168 contracting parties¹² (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other

¹⁰ http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
¹² http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
countries. This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”.

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

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15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See [http://isrc.ifpi.org](http://isrc.ifpi.org), [https://www.usisrc.org/about/index.html](https://www.usisrc.org/about/index.html) and [http://www.iso.org/iso/catalogue_detail?csnumber=23401](http://www.iso.org/iso/catalogue_detail?csnumber=23401)
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See [http://www.isni.org/](http://www.isni.org/) and [http://www.iso.org/iso/catalogue_detail?csnumber=44292](http://www.iso.org/iso/catalogue_detail?csnumber=44292)
Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal

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20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See http://www.oxforddictionaries.com/definition/english/mainly and http://www.merriam-webster.com/dictionary/mainly respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392).
role with respect to music.\textsuperscript{21} IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\textsuperscript{22} The UNESCO strategic partnership\textsuperscript{23} is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\textsuperscript{24}

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.\textsuperscript{25}

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\textsuperscript{26} Other small government Ministries of Culture, such as Albania,\textsuperscript{27} or government

\begin{footnotes}
\item[21] http://www.ifacca.org/membership/current_members/
\item[22] http://www.ifacca.org/strategic_partners/
\item[23] http://www.ifacca.org/strategic_partners/
\item[26] 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6),
\end{footnotes}
Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)

http://www.culturalpolicies.net/down/albania_012011.pdf
33 http://www.pch.gc.ca/eng/1294862453819/1294862453821
The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception\textsuperscript{35} and has a strong focus on music as outlined in its Strategic Plan\textsuperscript{36} with Congress requested to provide $154,465,000 for fiscal year 2014.\textsuperscript{37}

The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”\textsuperscript{38}

The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.\textsuperscript{39}

In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.\textsuperscript{40}

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide”\textsuperscript{41} whose members\textsuperscript{42} – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member,\textsuperscript{43} represents “approximately 85% of all legitimate recorded music produced and sold in the United States,”\textsuperscript{44} the world’s largest music market with 30% global market share.\textsuperscript{45}

Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

\textsuperscript{36} NEA Strategic Plan 2012-2016, \url{www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf}
\textsuperscript{37} \url{http://www.ifacca.org/national_agency_news/2013/04/10/us-president-requests-154465000-neh-2014/}
\textsuperscript{38} 2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa, \url{http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download}, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
\textsuperscript{39} Singapore Arts Council, \url{http://www.nac.gov.sg/media-centre/news-releases/news-detail?id=c2db15e2-c319-40ec-939c-d58735d0a91c}
\textsuperscript{40} \url{http://www.taiteenkeskustoimikunta.fi/documents/10162/31704/TY+tilastotiedote+1+12+.pdf}, Page 1 and Page 23
\textsuperscript{41} \url{http://www.ifpi.org/about.php}
\textsuperscript{42} \url{http://www.ifpi.org/our-members.php}
\textsuperscript{43} \url{http://www.ifpi.org/national-groups.php}
\textsuperscript{44} \url{http://www.riaa.com/faq.php}
\textsuperscript{45} \url{http://www.statista.com/topics/1639/music/}
Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.46

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes** – iTunes accounts for 63% of global digital music market - a majority – with a registered community of 800 million registered members available in 119 countries who abide to strict terms of service and boundaries and have downloaded over 25 billion songs from iTunes’ catalog of over 43 million songs covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.

- **Pandora** – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.

- **Spotify** – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.

- **Vevo** – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.

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46 [http://a2im.org/about-joining/](http://a2im.org/about-joining/)
47 [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
48 [http://a2im.org/groups/itunes](http://a2im.org/groups/itunes)
54 [http://a2im.org/groups/pandora](http://a2im.org/groups/pandora)
55 [http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/](http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/) and [http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9MTkxNTM1fENoaWxkSUQ9LTF8VHlwZT0z&t=1, Pg.9](http://phx.corporate-ir.net/External.File?item=UGFyZW50SUQ9MTkxNTM1fENoaWxkSUQ9LTF8VHlwZT0z&t=1, Pg.9)
56 [http://a2im.org/groups/spotify](http://a2im.org/groups/spotify)
57 [http://a2im.org/groups/vevo](http://a2im.org/groups/vevo)
• **Youtube**[^61] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube,[^62] of which 38.4% is music-related.[^63]

• **Reverbnation**[^64] – Reverbnation[^65] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**[^66] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^67]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (Bureau Export[^68]), China (China Audio Video Association[^69]) and Germany (Initiative Musik).[^70] A2IM also has Affiliate[^71] associations within the global music community. These include Affiliates such as MusicFirst,[^72] the Copyright Alliance,[^73] the Worldwide Independent Network (WIN)[^74] and Merlin.[^75]

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.[^76] The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

[^61]: http://www.vevo.com/c/EN/US/about
[^62]: http://a2im.org/groups/youtube/
[^63]: https://www.youtube.com/yt/press/statistics.html
[^64]: http://www.researchandmarkets.com/reports/2092499/internet-video-2011-2014-view-share-site-and
[^65]: http://a2im.org/groups/reverb-nation/
[^66]: http://a2im.org/groups/bmg-rights/
[^67]: http://www.bmg.com/category/about-us/history/
[^68]: http://a2im.org/groups/french-music-export-office
[^69]: http://a2im.org/groups/china-audio-video-association-cava
[^70]: http://a2im.org/groups/initiative-musik-gmbh
[^71]: http://a2im.org/groups/tag/associate-members/
[^72]: http://musicfirstcoalition.org/coalition. The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
[^73]: http://www.copyrightalliance.org/members
[^74]: http://www.winformusic.org
[^75]: http://www.merlinnetwork.org
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” 77 – a majority of global music.78

Another letter79 sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

The International Music Products Association, NAMM, is another globally-recognized and relevant group of non-negligible size that has supported DotMusic.80 NAMM, formed in 1901, is mainly dedicated to the global music community by representing the international music products industry and community, with globally-recognized members and exhibitors that include Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica, AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanex, AVID, Casio, DW, Sabian, Pearl, Zildjian, Martin, Ludwig, Marshall and others.81 Every amateur and professional musician worldwide uses music products manufactured and distributed by NAMM’s members. Without these musical instruments and products, music as we know it today would not be created or produced. NAMM and its trade shows power the $17 billion global music products industry serving as a hub for the global music community wanting to seek out the newest innovations in musical products, recording technology, sound and lighting. NAMM’s mission is “to strengthen

81 https://www.namm.org/files/showdir/ExhibitorList WN15.xls
82 http://www.musictrades.com/global.html
the music products industry and promote the pleasures and benefits of making music.”

NAMM also hosts the NAMM Show, the world's largest event for the music products industry.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community. Community members may register a .MUSIC by either:

83 https://www.namm.org/about
85 http://music.us/supporters
86 See http://music.us/nexus
1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf Pg.7)
In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for *Nexus*.

Respectfully Submitted,

Heidy Vaquerano

Name: Heidy Vaquerano

Title: Professor & Attorney

Organization: California State University & Vaquerano Law, PC
About Heidy Vaquerano

Heidy Vaquerano launched her own firm in April 2013. Previous to that she worked at LaPolt Law, P.C. for eleven years where she became experienced in drafting and negotiating agreements relating to the Entertainment Industry including recording agreements, producer agreements, various work for hire agreements, management agreements, licensing agreements for film, TV and video games, original web TV and mechanical licensing.

Her practice focuses on transactional Entertainment Law matters and represents various clients in the music business, film and TV industry, merchandising, book publishing and mobile applications.

Heidy has lectured at various entertainment industry events and including, MIDEM in Cannes, France on behalf of the International Association of Entertainment Lawyers. Most recently she began teaching the Graduate Business Course entitled, "Introduction to the Business of Music" at California State University, Los Angeles.

Published Works


Website

http://www.hvlawpc.com
Re: Expert Testimony on (i) Community Establishment; (ii) Nexus; and (iii) Support for DotMusic’s Community-Based Application\(^1\) for .MUSIC (Application ID 1-1115-14110)

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

Please accept this letter that indicates that there is substantive and compelling evidence that the DotMusic application convincingly meets the full criteria under Community Priority Evaluation on the following points: (i) the Music Community’s Establishment as defined by DotMusic; (ii) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (iii) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to the music community’s organization and delineation.

SUMMARY

DotMusic has established the following:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

\(^1\) https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity mainly dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.2

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existing 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support3 from institutions/organizations representing a majority of the Community as defined and recognized in the DotMusic application.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

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2 http://music.us/supporters
3 http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application Answer to Question 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector. “Music” is a regulated sector comprised of a logical alliance of interdependent communities relating to music with organized practices and institutions that enable and regulate the production, distribution and consumption of music that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

DotMusic’s application follows unified principles that the entire Community subscribes to, such as: creating a trusted identifier and safe haven for music consumption, protecting musicians’ rights and intellectual property, fighting copyright infringement/piracy, supporting fair compensation and music education, and following a multi-stakeholder approach of representation of all types of global music constituents without discrimination (See Application Answers to 18).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

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4 See http://music.us/establishment
6 http://www.merriam-webster.com/dictionary/cohesion
7 http://www.oxforddictionaries.com/us/definition/american_english/cohesion
(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

According to Wikipedia:8

*Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.*9

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ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.10

The Berne Convention for the Protection of Literary and Artistic Works11 provides that each of the 168 contracting parties12 (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other

10 http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
12 http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
countries. This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”.

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

13 http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

iii) International Federations and Organizations mainly Dedicated to the Community:

According to ICANN’s Applicant Guidebook (“AGB”):

quote: “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal

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20 Per the Oxford and Merriam Webster dictionaries, the word “mainly” is defined as “more than anything else” (See http://www.oxforddictionaries.com/definition/english/mainly and http://www.merriam-webster.com/dictionary/mainly respectively). According to DotMusic, the string .MUSIC relates to the Community “by representing all constituents involved in music creation, production and distribution” (Application Answer to Question 20d). Supporting organizations related to that string that are “mainly” dedicated to the Community and its activities, include the International Federation of Arts Councils and Culture Agencies (IFACCA) representing government culture ministries and arts councils, the International Federation of Musicians (FIM) representing musicians globally, the International Federation of Phonographic Industry (IFPI) representing the recording industry worldwide, the International Confederation of Music Publishers (ICPM) representing the voice of global music publishing, the International Association of Music Information Centres (IAMIC, the American Association of Independent Music (A2IM), whose associate members represent a majority of music consumed, the Independent Music Worldwide Independent Network (WIN) representing independent music worldwide, the International Society for Music Education (ISME) the premiere international organization representing music education, and many others (See support at http://music.us/supporters and https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/142588?t:ac=1392).
role with respect to music.\textsuperscript{21} IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission.\textsuperscript{22} The UNESCO strategic partnership\textsuperscript{23} is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.\textsuperscript{24}

Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $.0175 per minute for songs that are over five minutes long.\textsuperscript{25}

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\textsuperscript{26} Other small government Ministries of Culture, such as Albania,\textsuperscript{27} or government
Ministries of Culture and Arts Councils from countries with larger populations, such as India, all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations. By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.
- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.

Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)

27 http://www.culturalpolicies.net/down/albania_012011.pdf
33 http://www.pch.gc.ca/eng/1294862453819/1294862453821
• The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception\textsuperscript{35} and has a strong focus on music as outlined in its Strategic Plan\textsuperscript{36} with Congress requested to provide $154,465,000 for fiscal year 2014.\textsuperscript{37}
• The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa”\textsuperscript{38}
• The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.\textsuperscript{39}
• In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.\textsuperscript{40}

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.

The IFPI is another entity mainly dedicated to the Community. The IFPI is the only organization that represents the interests of the recording industry worldwide. It is the “voice of the recording industry worldwide”\textsuperscript{41} whose members\textsuperscript{42} – major and independent companies -- represent a majority of all commercial music consumed globally. For example, the RIAA, an IFPI national group member,\textsuperscript{43} represents “approximately 85% of all legitimate recorded music produced and sold in the United States,”\textsuperscript{44} the world’s largest music market with 30% global market share.\textsuperscript{45} Formed in 1933, the IFPI’s mission was to “represent the interests of the recording industry worldwide in all fora.”

\textsuperscript{36}NEA Strategic Plan 2012-2016, \url{www.arts.gov/about/Budget/NEAStrategicPlan2012-2016.pdf}
\textsuperscript{37}\url{http://www.ifacca.org/national_agency_news/2013/04/10/us-president-requests-154465000-neh-2014/}
\textsuperscript{38}2010-2011 Annual Report for the National Arts Council South Africa, National Arts Council South Africa,\url{http://www.nac.org.za/media/publications/AR%2010-11%20NAC.PDF/download}, Page 11. Also Mmino, the South African – Norwegian Education Music Programme, solely funds music projects funding a total of 294 projects. Thirteen projects were allocated funding for a total of R1,680,600 of which R1,381,000 went towards music educational and R299,600 to exchange projects (Page 10)
\textsuperscript{39}Singapore Arts Council, \url{http://www.nac.gov.sg/media-centre/news-releases/news-detail?id=c2db15e2-c319-40ec-939c-d58735d0a91c}
\textsuperscript{40}\url{http://www.taiteenkeskuomikunta.fi/documents/10162/31704/TY+tistotiedote+1+12+.pdf}, Page 1 and Page 23
\textsuperscript{41}\url{http://www.ifpi.org/about.php}
\textsuperscript{42}\url{http://www.ifpi.org/our-members.php}
\textsuperscript{43}\url{http://www.ifpi.org/national-groups.php}
\textsuperscript{44}\url{http://www.riaa.com/faq.php}
\textsuperscript{45}\url{http://www.statista.com/topics/1639/music/}
Another clear example of an “entity mainly dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.\textsuperscript{46}

The reach of A2IM Associate\textsuperscript{47} membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**\textsuperscript{48} – iTunes accounts for 63\% of global digital music market\textsuperscript{49} - a majority – with a registered community of 800 million registered members\textsuperscript{50} available in 119 countries who abide to strict terms of service and boundaries\textsuperscript{51} and have downloaded over 25 billion songs\textsuperscript{52} from iTunes’ catalog of over 43 million songs\textsuperscript{53} covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.\textsuperscript{54}

- **Pandora**\textsuperscript{55} – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.\textsuperscript{56}

- **Spotify**\textsuperscript{57} – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.\textsuperscript{58}

- **Vevo**\textsuperscript{59} – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.\textsuperscript{60}

\textsuperscript{46} http://a2im.org/about-joining/
\textsuperscript{47} http://a2im.org/groups/tag/associate+members/
\textsuperscript{48} http://a2im.org/groups/itunes
\textsuperscript{49} http://appleinsider.com/articles/13/04/16/apples-itunes-rules-digital-music-market-with-63-share
\textsuperscript{50} http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt
\textsuperscript{52} http://www.apple.com/pr/library/2013/02/06iTunes-Store-Sets-New-Record-with-25-Billion-Songs-Sold.html
\textsuperscript{53} https://www.apple.com/itunes/features/
\textsuperscript{54} http://a2im.org/groups/pandora
\textsuperscript{55} http://www.cnet.com/news/like-a-rolling-milestone-pandora-hits-250m-registered-users/ and http://phx.corporate-ir.net/External.File?item=UGFvZW50SUQ9MTkxNTM1fENoaWxkSUQ9LT8VHlwZT0z
\textsuperscript{56} http://a2im.org/groups/spotify
\textsuperscript{57} https://press.spotify.com/us/information/
\textsuperscript{58} http://a2im.org/groups/vevo/
• **Youtube**[^61] – Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube[^62], of which 38.4% is music-related.[^63]

• **Reverbnation**[^64] – Reverbnation[^65] is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

• **BMG**[^66] – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.[^67]

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport[^68]), China (China Audio Video Association[^69]) and Germany (Initiative Musik).[^70] A2IM also has Associate[^71] associations within the global music community. These include Affiliates such as MusicFirst,[^72] the Copyright Alliance,[^73] the Worldwide Independent Network (WIN)[^74] and Merlin.[^75]

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community.[^76] The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.

[^61]: [http://a2im.org/groups/youtube/](http://a2im.org/groups/youtube/)
[^64]: [http://a2im.org/groups/reverb-nation/](http://a2im.org/groups/reverb-nation/)
[^65]: [http://www.reverbnation.com/about](http://www.reverbnation.com/about)
[^66]: [http://a2im.org/groups/bmg-rights/](http://a2im.org/groups/bmg-rights/)
[^68]: [http://a2im.org/groups/french-music-export-office](http://a2im.org/groups/french-music-export-office)
[^69]: [http://a2im.org/groups/china-audio-video-association-cava](http://a2im.org/groups/china-audio-video-association-cava)
[^70]: [http://a2im.org/groups/initiative-musik-gmbh](http://a2im.org/groups/initiative-musik-gmbh)
[^71]: [http://a2im.org/groups/tag/associate+members/](http://a2im.org/groups/tag/associate+members/)
[^72]: [http://musicfirstcoalition.org/coalition](http://musicfirstcoalition.org/coalition), The musicFIRST Coalition, with founding members A2IM, RIAA, and Recording Academy represents musicians, artists, managers, music businesses, and performance right advocates.
[^73]: [http://www.copyrightalliance.org/members](http://www.copyrightalliance.org/members)
[^74]: [http://www.winformusic.org](http://www.winformusic.org)
[^75]: [http://www.merlinnetwork.org](http://www.merlinnetwork.org)
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a majority of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music” — a majority of global music.

Another letter sent to ICANN (on April 14th, 2015) by Danielle Aguirre from the NMPA and on behalf of a music publisher and songwriter community coalition representing a majority of the global music publishing community, also expressed “support [for] the .MUSIC community applications because respecting and protecting music rights serves the global music community and the public interest.”

The International Music Products Association, NAMM, is another globally-recognized and relevant group of non-negligible size that has supported DotMusic. NAMM, formed in 1901, is mainly dedicated to the global music community by representing the international music products industry and community, with globally-recognized members and exhibitors that include Yamaha, Roland, Sennheiser, Sony, Fender, Harman, Kawai, Shure, Steinway, Audio-Technica, AKAI, Gibson, Peavey, Korg, AKG, Selmer, JBL, Alesis, Ibanex, AVID, Casio, DW, Sabian, Pearl, Zildjian, Martin, Ludwig, Marshall and others. Every amateur and professional musician worldwide uses music products manufactured and distributed by NAMM’s members. Without these musical instruments and products, music as we know it today would not be created or produced. NAMM and its trade shows power the $17 billion global music products industry serving as a hub for the global music community wanting to seek out the newest innovations in musical products, recording technology, sound and lighting. NAMM’s mission is “to strengthen
the music products industry and promote the pleasures and benefits of making music.” NAMM also hosts the NAMM Show, the world's largest event for the music products industry.

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause representing over 95% of music consumed globally. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community as defined. Cumulatively, DotMusic possesses documented support from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would not be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Community Establishment and Community Endorsement from the majority of the global Music Community as defined.

B) Nexus

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must match the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely matches the applied-for “music” string because it represents the entire global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community. Community members may register a .MUSIC by either:

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83 [https://www.namm.org/about](https://www.namm.org/about)
85 [http://music.us/supporters](http://music.us/supporters)
86 See [http://music.us/nexus](http://music.us/nexus)
1) Identifying that they belong to a Music Community Member Organization ("MCMO"); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” sting and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

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87 ICANN has disclosed that the string .MUSIC is a sensitive string operating in a regulated sector. ICANN also accepted Government Advisory Committee (GAC) advice for safeguards to protect the Music Community and the public interest (See [https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf](https://icann.org/en/system/files/correspondence/crocker-to-dryden-3-29oct13-en.pdf) Pg.7)
In conclusion, there is substantive and compelling evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

Signature: Jeffrey Weber

Name: Jeffrey Weber

Title: CEO

Organization: Stark Raving Records
Professor Jeffrey Weber Esq.

Jeffrey Weber has been a widely recognized music industry professional for over thirty years. He has produced over 180 CDs with releases on just about every major label as well as a host of independent labels. Along the way, his projects have yielded two Grammys, seven Grammy nominations, at least seventeen top ten albums, two number one albums and an assortment of other honors.

His book, "You've Got A Deal! The Biggest Lies of the Music Business" will be published by Headline Books in January of 2012. "Over 100 people turned up, and I was truly shocked and gratified. Took me over two hours to sign all the books for everyone. One guy drove down from Oregon and another flew in from North Carolina for this signing in Los Angeles. The publisher flew in from West Virginia. When does a publisher attend a book signing!?? Wild... The publisher who flew from West Virginia said that I had more people and sold more books at one signing than any of her other writers in her twenty-five year history. I wonder if that's a good thing or a bad thing….," says Weber.

During his thirty plus year career, he has founded, ran or participated in various label capacities from A&R, Music Supervision for film and TV, Production, Interactive Programming, Marketing, Sales, International Relations, Business Affairs and Art Director for independent labels such as Penny's Gang, 44-4 Records, Discwasher Records, Prima Records, Beach Jazz, Agenda Records, Denon Records, Handshake Records, Audio Source Records, Voss Records, Video Arts, Clear Audio, Pony Canyon, P.C.H. Records, En Pointe Records, Cameron Records as well as his own labels, Weberworks and Stark Raving Records.

His productions have also appeared on every major label including MCA, Warner Bros., Atlantic, BMG, Columbia, A&M, Elektra as well as such labels as GRP, Hip-O, Sheffield, Concord, Bainbridge, Silver Eagle, Zebra, among countless others.

Among the many artists that have fallen under the banner of "Produced by..." include: Nancy Wilson, David Benoit, Steve Lukather, the Utah Symphony, Jackson Browne, Marcus Miller, Michael McDonald, Bill Champlin, Gerald Albright, Tom Scott, Chick Corea, Stanley Clark, Etta James, Linda Hopkins, Kenny Burrell, McCoy Tyner, Jackie McLean, Billy Sheehan (Mr. Big), Cozzy Powell, the Count Basie Orchestra, John Sebastian, Ronnie Dio, Ritchie Blackmore, Pat Boone, Buddy Miles, Billy Preston, MC Lyte, Kenny Rankin, Diane Reeves, Diane Schuur, Rita Coolidge, Luther Vandross, David Crosby, Simon Phillips, Jeff Porcaro, Patrice Rushen, Toni Tennille, among many others.

Jeff has been a concert and event producer for over ten years with extensive experience in concert management and production, staging, lighting, and sound from the smallest of venues to large stadium shows. He has produced shows for the Atlantis Resort, NASCAR, the Breeder's Cup, Chicago White Sox, Cystic Fibrosis, Fallsview Casino and Resort, Ford, Harry Caray's, KTLA, Loehmann's Department Store, Lupus L.A., NAMM, National Cable
and Telecommunications Association, Netflix, Orange County Flyers, Pebble Beach Pro-Am, AT&T, Dockers, Shore Club-South Beach, Taste Of Chicago, USAA, American Idol, The Tonight Show, among many others.

In 2009, Weber finalized his, from the ground up, re-definition of the business model for a record label that he firmly believes will be the architecture for all labels in the future. Weber's model has embraced a complete slate of innovative concepts and procedures, ranging from the manner in which artist contracts are conceived and implemented to recording procedures, to innovations in sales, marketing and promotion. Designed to re-invent and re-energize the relationships between the artist and the label and the artist and the consumer, the model establishes format-breaking levels of transparency and unique partnerships in all label/artist/fan relationships.

His innovative concepts were the operational foundations for two independent labels distributed by Fontana (Universal). At the time, he was named President of both labels. In addition, Weber's dynamic business model innovations for record labels are now being taught at UCLA and the University of Texas, Austin. He has also been an educator at both UCLA (for about 22 years) and the University of Texas, Austin (for about 6 years).

Jeff is well known for his involvement in high technology recording techniques, especially live two track recording, live multi-track and digital recording. Because of their sonic excellence, his recordings have been repeatedly selected by major hardware manufacturers to demonstrate their product lines.

Jeff is very active as a music supervisor for film, television and cable. He specializes in cost effective synchronization and master use license acquisition strategies as well as production based music options.

Jeff co-founded and programmed Studio M, a nationwide broadcast television network that utilized their growing 28,000 music video library to broadcast multiple genre based music video shows. It was on the air seven days a week, for five hours a day to an estimated audience of thirty million homes.

In addition to music production, Jeff has spent over twenty years behind the microphone as a voice-over talent for commercials, cartoons, industrial films, infomercials, live web broadcasting, and television. He has done voice work for Interscope (Guns & Roses), Toyota, Nissan, Ford, VR Troopers, the Ventura County Star newspaper chain, Play It Again Sports, Sony, Boston Acoustics, Audio Source, the BBC, the Jazz Network, Dejaun Jewelers, the Los Angeles Zoo, CBS and Warner Bros., among countless others. He continues to be extremely active in this field.

Well versed in video production, Jeff has written, produced and directed over two-dozen music based concerts and videos. Recently, he produced a 12 camera, High Definition, robotic, five-channel surround sound DVD/CD for Band From TV, a rock and roll cover band comprised of famous television actors who travel the country raising money for their selected charities. He continues to travel with the band producing all their live concerts.

He has been a music journalist with articles in major industry publications nationwide. He
has received numerous awards as an art director and many of his album cover designs have been published in "Best of..." annual publications. As an educator, he has taught courses on the music industry at universities and law schools (he has a law degree as well) across the country.

Jeff is a former member of the Board of Governors of the National Academy of Recording Arts and Sciences (NARAS) as well as a former National Trustee and Chapter Vice President.

**Educator**

*University of Texas - Austin*
2007 – December 2013 (6 years)

*UCLA*
June 1988 – January 2011 (22 years 8 months)

**Education**

*Southwestern University School of Law*

J.D., Law
1973 – 1976

*University of California, Los Angeles*

BA, English/Creative Writing
1969 – 1973

**Credits**

<table>
<thead>
<tr>
<th>Year</th>
<th>Album</th>
<th>Artist</th>
<th>Role</th>
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<tbody>
<tr>
<td>2010</td>
<td><em>Hoggin' All the Covers Unleashed!</em></td>
<td><em>Band from TV</em></td>
<td>Producer</td>
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<td>2010</td>
<td><em>Something Goin' On</em></td>
<td><em>Shelley &amp; Cal</em></td>
<td>Producer</td>
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<td><em>Only the Best of Freddie Hubbard</em></td>
<td><em>Freddie Hubbard</em></td>
<td>Producer</td>
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<td>2007</td>
<td><em>About A Girl</em></td>
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<td>Drums</td>
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<td>Artist</td>
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<td>2007</td>
<td>When I Was a Planet</td>
<td>Invitro</td>
<td>Vocals</td>
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<td>XM: Watercolors - Red [Circuit City Exclusive]</td>
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<td>A Mellow Jazz Christmas</td>
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<td>Full Circle</td>
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<td>Audio Production, Liner Notes, Producer</td>
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<td>Standards</td>
<td>Stanley Clarke</td>
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<td>The Kingston Trio</td>
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**Websites:**

- [http://www.studioexpresso.com/profiles/jeffweber.htm](http://www.studioexpresso.com/profiles/jeffweber.htm)
- [http://moody.utexas.edu/sites/communication.utexas.edu/files/attachments/utla/Music%2013.pdf](http://moody.utexas.edu/sites/communication.utexas.edu/files/attachments/utla/Music%2013.pdf)
- [https://www.linkedin.com/in/jeffreyweber](https://www.linkedin.com/in/jeffreyweber)
Dear ICANN and Economist Intelligence Unit (“EIU”):

Please accept this letter to verify the following facts: (i) the Music Community’s Establishment as defined by DotMusic; (2) the matching Nexus between the “music” Community and the “music” string (or top-level domain); and (3) that DotMusic possesses documented Support from organizations representing a majority of the global Music Community addressed and defined.

Please see my credentials attached hereto that identify my level of expertise and specialized knowledge with respect to music.

SUMMARY

Based upon my knowledge of music, the music community and DotMusic’s public statements concerning their .MUSIC community application, DotMusic has established the following facts:

1) Its Community definition recognizes the cohesive, symbiotic and overlapping nature of the global Music Community. The definition includes those associated with commercial and non-commercial creation, performance, marketing and distribution of music;

2) “Music Community” members have the requisite awareness and recognition of the interdependency, overlapping and cohesive nature of each “organized community of similar nature that relates to music.” These organized and aligned communities are closely united and make “music” as we know it today. It is this self-awareness and interdependence that gives the “Music Community” its strength. With exponential growth of the Internet, mobile and the Domain Name System (DNS), the “Music Community’s” use and reliance on the Internet to create, market and disseminate music-related content, products, services and activities will continue to grow;

3) The “Music Community” functions in a regulated sector with global copyright protections – it is clear that the “community,” as defined, implies “more of cohesion than a mere commonality of interest” with an awareness and recognition of a community among its members.” Several international treaties mandate a globally-recognized set of standards for

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1 https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1392
the protection of the “Music Community” member rights with relation to their copyrighted music works around the world;

4) The “Music” Community -- as defined by DotMusic -- has at least one entity dedicated to the community supporting DotMusic’s application. Such documented Support includes several “international federation of national communities of a similar nature,” music coalitions and others that are strongly associated with “music,” which represent a majority of the Community with considerable millions of members worldwide.²

5) The Nexus of the “music” Community matches the “music” applied-for string because it represents the entire global Music Community – a community that pre-existed 2007 with a size in the considerable millions of constituents. The “Music Community” definition -- which incorporates the strict fundamental attributes of a closely united Community definition that is “organized” and “delineated” -- ensures that all of its constituent members have a requisite awareness of the community as defined, including both commercial and non-commercial stakeholders, to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination.

6) DotMusic has received support from the largest coalition of Music Community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming majority of the global Music Community. Cumulatively, DotMusic possesses documented support³ from institutions/organizations representing a majority of the defined and recognized Community.

There is substantive evidence that DotMusic fulfills the Nexus, Community Establishment and Support criteria for the “Music” string. The inclusion and representation of every music constituent type is paramount to the articulated purpose of the string. DotMusic and its application’s global Music Community supporters substantiate that every type of music constituent contributes to the function and operation of the music sector within a regulated framework. The symbiotic nature of the Community as defined and structured means that “Music” would not function as it does today without the participation of all music constituent types that interconnect to match the “music” string with the “music” Community definition.

² http://music.us/supporters
³ http://music.us/supporters
A) Music Community Definition, Establishment & Community Endorsement

DotMusic’s definition of the “Music Community” as a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music” (See Application, 20a) is factually accurate and representative of the “Music Community.” Community characteristics include:

i) An Organized, Cohesive, Interdependent Logically-Allied Community:

The “Music Community” definition covers the regulated, interdependent and cohesive nature of the music sector that exists today. “Music Community” members have the requisite awareness and recognition of the interdependent, overlapping and cohesive nature of each “organized community of similar nature that relates to music” that comprises the “Music Community.” Without such cohesiveness and interdependency, the defined “Music” Community matching the applied-for string (“Music”) would not be able to function in its regulated sector, a “Music” regulated sector that was publicly recognized by both ICANN and the Government Advisory Committee.

As a result, the Music Community as defined is “closely united” (As per the definition of “cohesion” according to Merriam-Webster dictionary) or “united or form a whole” (As per the definition of the word “cohesion” according to Oxford Dictionaries).

The “Music Community” as defined (a “strictly delineated and organized community of individuals, organizations and business, a logical alliance of communities of similar nature that relate to music”) establishes that:

(1) There is an awareness and recognition among its members;

(2) The organized and delineated logical alliance of communities exists; and

(3) The Community is “closely united” and “interdependent” (i.e. Each “organized community of similar nature that relates to music” which is part of the “logical alliance of communities that relate to music” is not mutually exclusive).

In short, the applied-for string (“Music”) matches the name of the “Music” Community as defined by DotMusic’s application. DotMusic’s “Music Community” definition accurately represents the common definition of the “Music Community,” which is confirmed by Wikipedia.

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4 See [http://music.us/establishment](http://music.us/establishment)
According to Wikipedia:

Music community is defined as a logical alliance of interdependent communities that are related to music, which include commercial participants...and non-commercial participants...and consists of an “ensemble of practices and institutions that make possible and regulate the production, distribution and consumption of music”...UNESCO identifies the music community as a “community of identity” implying common identifiable characteristics and cohesive attributes such as sharing a music culture, norms and subscribing to common ideals related to music...The music community is not defined as much by demographic indicators such as race, gender, and income level, as it is by common values, cohesive norms and interconnected structures to build a community identity. It refers to music-related individuals and organisations in a shared environment with shared understandings and practices, modes of production and distribution. The shared organisation of collective musical activities, identity and community value is created as result of infrastructure and a shared set of common values...Many studies outline the historical, cultural, and spatial significance of the music community, including how its identity is formed through musical practices. The music community shares a cohesive and interconnected structure of artistic expression, with diverse subcultures and socio-economic interactions...subscribing to common ideals. Under such structured context music consumption becomes possible regardless whether the transaction is commercial and non-commercial.

ii) An Aware, Pre-Existing and Recognized Community of Considerable Millions Worldwide:

DotMusic’s definition of the Community covers all Community members associated with the string, each with a requisite awareness of the Community that can be validated through their natural association with a particular music-related community that they clearly identify with. According to DotMusic, all Music Community members must identify their music-related community in order to demonstrate their requisite awareness of the defined Community as part of the .MUSIC registration and validation process.

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According to DotMusic, the Music Community’s geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents (Application Answer to Question 20a).

According to DotMusic, “registrants will be verified using Community-organized, unified “criteria taken from holistic perspective with due regard of Community particularities” that “invoke a formal membership (Application Answer to Question 20a).” The defined Community represents all music-related entities with a clear and straightforward membership with the Community involved in the legal production, performance, promotion, and distribution of music worldwide. According to DotMusic, the Music Community members must have an active, non-tangential relationship with the applied-for string “music” and also have the requisite awareness of the music-related community that they are a part of by specifically identifying it as part of the registration and validation process (i.e. upon successful registration and validation, each community member will be given a unique community identification number that will automatically associate them with their identified community and the “music” string).

DotMusic’s Community definition matches the applied-for string because it allows both commercial and non-commercial stakeholders to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination/exclusion. Given the regulated sector of the community, it is clear that the “Music Community” as defined implies “more of cohesion than a mere commonality of interest” with an “awareness and recognition of a community among its members.” Several international treaties mandate cohesive and globally-recognized set of standards for the protection of the music community members’ rights with relation to their copyrighted music works around the world.¹⁰

The Berne Convention for the Protection of Literary and Artistic Works¹¹ provides that each of the 168 contracting parties¹² (representing an overwhelming majority of the world’s population) provides automatic protection for music works first published in other countries of the Berne union and for unpublished music works whose authors are citizens of or resident in such other countries.¹³ This means that if a Music Community member’s copyright rights are violated in any other signatory country’s jurisdiction, then the music community member will have the music copyright rights given by that country. Music Community members are clearly aware of the collective Community’s rights, which could not be made possible without these cohesive and globally-recognized set of standards. If such standards were not coherent or enforced then music would not be able to exist in its current form and the industry component of the Music Community sector would not exist. As such, the Community’s Establishment and definition is “cohesive” and hence cannot be construed since the Community is a logical alliance of music

¹⁰ http://www.rightsdirect.com/content/rd/en/toolbar/copyright_education/International_Copyright_Basics.html
¹² http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15
¹³ http://www.britannica.com/EBchecked/topic/62482/Berne-Convention
communities that establish a clearly delineated and organized Community structure that is “closely united” and functions as a “whole”

Further evidence to substantiate the cohesive, symbiotic and overlapping nature of the Community, includes other globally-recognized standards and classification systems, which identify who the individual songwriters, publishers and rights holders are and which songs they are associated with so that Community members are appropriately compensated, regardless of whether the constituent is a commercial, non-commercial or amateur entity. The “music” string is commonly used in classification systems such as ISMN, ISRC, ISWC, ISNI. (Application Answer to Question 20a). For example, if a music entity would like to distribute their music, either commercially or for free, then an ISRC can be assigned to globally identify any specific music work. An ISRC, which facilitates efficient music discovery and community member payment, is constructed from 12 characters representing country, registrant, year of registration and designation (i.e. the serial number assigned by the registrant). With respect to domains, an equivalent system that relates to identifying a specific domain’s registrant and other relevant information pertaining to the domain is WHOIS. Domain registrants are required by ICANN “to provide accurate WHOIS contact data” or else their domain “registration may be suspended or even cancelled”.

Without such Music Community “cohesion” and standardized systems functioning in its regulated sector, the Music Community would not be able to create, market and distribute their music. By the same token, fans would not be able to identify the music they are listening to with a specific music artist, regardless of whether the listening activity or behavior is commercial or non-commercial in nature. The socio-economic structure that characterizes “music” as commonly-known today would be non-existent without these organized and delineated elements that commonly define the Community.

14 The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications from all over the world. The ISMN is an ISO certified global standard number (ISO 10957:2009). See http://www.ismn-international.org/whatis.html and http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=43173
15 The ISRC (International Standard Recording Code) is the international identification system for sound recordings and music video recordings. The ISRC is an ISO certified global standard number (ISO 3901:2001) and is managed by the IFPI. See http://isrc.ifpi.org, https://www.usisrc.org/about/index.html and http://www.iso.org/iso/catalogue_detail?csnumber=23401
16 The ISWC (International Standard Musical Work Code) is a unique, permanent and internationally recognized reference number for the identification of musical works. The ISWC has been approved by ISO (International Organization for Standardisation) as a global standard (ISO 15707:2001) and is managed by CISAC. See http://www.iswc.org/en/faq.html and http://www.iso.org/iso/catalogue_detail?csnumber=28780
17 The International Standard Name Identifier (ISNI) is the ISO certified global standard number (ISO 27729) for identifying the millions of contributors to creative works and those active in their distribution. ISNI holds public records of over 8 million identities and 490,000 organizations. See http://www.isni.org/ and http://www.iso.org/iso/catalogue_detail?csnumber=44292
iii) International Federations and Organizations Dedicated to Community Functions:

According to ICANN’s Applicant Guidebook (“AGB”): “With respect to “Delineation” and “Extension,” it should be noted that a community can consist of...a logical alliance of communities (for example, an international federation of national communities of a similar nature... viable as such, provided the requisite awareness and recognition of the community is at hand among the members.” (AGB, 4-12). The community as defined in the DotMusic application has at least one entity mainly dedicated to the community which has supported DotMusic, which include several “international federation of national communities of a similar nature” relating to music, music coalitions and other relevant and non-negligible music organizations.

One of these entities include the only international federation of national communities relating to government culture agencies and arts councils, which has an integral association with music globally: the International Federation of Arts Councils and Culture Agencies (IFACCA).

IFACCA is the only international federation that represents government culture agencies and arts councils globally. These national communities are governmental institutions that play a pivotal role with respect to music. IFACCA’s members cover the majority of music entities globally, regardless of whether they are commercial, non-commercial or amateurs. Government ministry of culture and council agencies related to music cover a majority of the overall community with respect to headcount and geographic reach. The “Size” covered reaches over a hundred million music entities i.e. “considerable size with millions of constituents” per Application Answer to Question 20a.

The string “music” falls under the jurisdiction of each country’s Ministry of Culture governmental agency or arts/music council (emphasis added). The degree of power and influence of government ministry of culture and council agencies with respect to music surpasses any organization type since these agencies (i) provide the majority of funding for music-related activities; (ii) regulate copyright law; and (iii) encompass all the music entities that fall under their country, regardless whether these entities are commercial, non-commercial or amateurs. IFACCA is globally recognized by its strategic partners, such as UNESCO, a United Nations agency representing 195 member states and the European Commission. The UNESCO strategic partnership is relevant, especially since UNESCO founded the International Music Council (the “IMC”) in 1949, which represents over 200 million music constituents from over 150 countries and over 1000 organizations globally.

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21 [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
22 [http://www.ifacca.org/strategic_partners/](http://www.ifacca.org/strategic_partners/)
23 [http://www.imc-cim.org/about-imc-separator/who-we-are.html](http://www.imc-cim.org/about-imc-separator/who-we-are.html)
Government activities in the clearly delineated and organized “Music Community” include setting statutory royalty rates. For example, in the United States, mechanical royalties are based on a "statutory rate" set by the U.S. Congress. This rate is increased to follow changes in the economy, usually based on the Consumer Price Index. Currently, the mechanical statutory rate is $0.091 for songs five minutes or less in length or $0.0175 per minute for songs that are over five minutes long.\textsuperscript{24}

Ministries of culture and arts councils (that comprise IFACCA’s membership) support musicians, musical performances, independent music artists, non-commercial musical expression and education in their respective countries. The 165 ministries of culture, arts councils and affiliates that comprise IFACCA’s membership support the “performing arts” and music specifically. Without the financial and logistical support of arts councils and the ministries of culture, the music community would be adversely affected, and in some countries, may not exist in any appreciable manner. For example, the Ministry of Culture 2011 budget for the small country state of Cyprus for culture funding was €34,876,522 with critical support of music activities.\textsuperscript{25} Other small government Ministries of Culture, such as Albania,\textsuperscript{26} or government Ministries of Culture and Arts Councils from countries with larger populations, such as India,\textsuperscript{27} all provide critical support and substantial advocacy for music. Other examples include government institutions collaborating and advocating music through their funded country-based pavilion initiatives at Midem, the world’s largest music conference.\textsuperscript{28}

Government ministries and arts councils provide critical support for the Music Community, including commercial music organizations By way of example, government ministries’ and arts councils’ substantial connection to and support of “music” is noted in the reports of funding and support for music. Some examples to showcase the degree of power of the IFACCA’s membership towards the string and global and national music are music investment and music funding (Annual reports by governments and councils):

- New Zealand Ministry of Culture has funded significant music projects. Some include the REAL New Zealand Music Tour ($415,000), the New Zealand String Quartet ($150,000) and New Zealand Music Commission: ($1,378,000).\textsuperscript{29}
- The Australian Government/Council For The Arts invested $51.2 million for the nation’s orchestras; $21.6 million for opera; $10.8 million for other music artists and

\textsuperscript{24} U.S Copyright Office, \url{http://www.copyright.gov/carp/m200a.html}
\textsuperscript{25} 2011 Annual Report for Cyprus Ministry of Culture, Section 1.2 “Music” (\url{http://www.moec.gov.cy/en/annual_reports/annual_report_2011_en.pdf}). Activities include Music Performances in Cyprus (1.2.1) and Abroad (1.2.2), Subsidization of Paphos Aphrodite Festival (1.2.3), Music Publications (1.2.4), Subsidization and Purchases of Digital Records (1.2.5), Promotion for Cypriot musical creativity abroad (1.2.6), Cyprus Symphony Orchestra Foundation (1.2.7), Music Information Centre (1.2.8), Developing Music Education (1.2.9), Organising of the 1st Musicological Symposium (1.2.10) and Musical Festivities for the European Volunteerism Year (1.2.11)
\textsuperscript{26} \url{http://www.culturalpolicies.net/down/albania_012011.pdf}
\textsuperscript{27} 2010-11 Annual Report from India Ministry of Culture, \url{http://www.indiaculture.nic.in/hindi/pdf/Culture-AnRe-2010-2011(Eng).pdf}
\textsuperscript{28} \url{http://my.midem.com/en/contact-us/pavilion-representatives/}
\textsuperscript{29} 2011 Annual Report from New Zealand Ministry of Culture: \url{http://www.mch.govt.nz/files/Annual%20report%202011%20version%20(D-0448383).PDF}
organizations; $13.1 million for multi-platform artists and organizations; and $4 million in miscellaneous funding, including sector building and audience development initiatives and programs.  

- Canada Council for the Arts is Canada’s national, arts funding agency investing $28 million in its Canada Council Musical Instrument Bank (Page 16) and $28,156,000 in Music Arts Programs (Page 66). The Government of Canada also renewed its annual investment of $27.6 million over five years in the Canada Music Fund.  
- The United Kingdom Department for Culture and Education (DfE) will fund music education at significant levels: £77 million, £65 million and £60 million will be available in the three years from April 2012.  
- The United States National Endowment of the Arts has awarded more than $4 billion to support the arts since its inception and has a strong focus on music as outlined in its Strategic Plan with Congress requested to provide $154,465,000 for fiscal year 2014.  
- The National Arts Council of South Africa invested 2,536,131 ZAR in Music and 9,995,000 ZAR in Orchestras and has focused strongly on the “Strengthening of live indigenous music and advocating the revival of the live music circuit in South Africa.”  
- The Singapore Arts Council will fund $10.2 million in the arts under its 2013 Grants Framework, including the Ding Yi Music Company and Siong Leng Musical Association.  
- In 2011, the support for artistic activities by the Arts Council of Finland was €32.4 million of which €4,921,850 was awarded to music.  

Each of IFACCA’s members has a clear association with, and mandate to support the music arts in their countries. In most countries, their ministry of culture/arts council is the largest funder and marketing supporter of the music arts.
Another clear example of an “entity dedicated to the community” with members that cover hundreds of millions of music constituents with formal boundaries is A2IM, the American Association of Independent Music. A2IM has two types of members: U.S independent Label members and Associate members. A2IM membership for Labels and Associates is invoked formally through an application and if accepted would require annual membership dues.40

The reach of A2IM Associate membership covers hundreds of millions of entities (i.e. the reach of A2IM’s total membership “geographic breadth is inclusive of all recognized territories covering regions associated with ISO-3166 codes and 193 United Nations countries with a Community of considerable size with millions of constituents – See Application Answer to Question 20a).

Organized and strictly delineated communities related to music that are A2IM members include:

- **Apple iTunes**42 – iTunes accounts for 63% of global digital music market43 - a majority – with a registered community of 800 million registered members44 available in 119 countries who abide to strict terms of service and boundaries45 and have downloaded over 25 billion songs46 from iTunes’ catalog of over 43 million songs47 covering a global music community, regardless of genre or whether the community entities are amateur, professional, commercial or non-commercial. To add music to iTunes, all music artists must have a formal membership with iTunes via an Apple ID registration, which includes a current credit card on file.48

- **Pandora**49 – Pandora is the world’s largest streaming music radio with a community of over 250 million registered members.50

- **Spotify**51 – Spotify is the world’s largest music streaming community with over 50 million active registered members in 58 countries and over 30 million songs. The music community uploads 20,000 songs every day.52

- **Vevo**53 – Vevo is the world’s leading all-premium music video community and platform with over 8 billion monthly views globally.54

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40 http://a2im.org/about-joining/
41 http://a2im.org/groups/tag/associate+members/
42 http://a2im.org/groups/itunes
44 http://www.npr.org/blogs/therecord/2015/01/06/375173595/with-downloads-in-decline-can-itunes-adapt
47 https://www.apple.com/itunes/features/
49 http://a2im.org/groups/pandora
51 http://a2im.org/groups/spotify
52 https://press.spotify.com/us/information/
53 http://a2im.org/groups/vevo/
- **Youtube** - Youtube is the world’s largest music video streaming community with millions of music creators -- amateur, professional, commercial or non-commercial -- and over 1 billion registered members covering all regions globally. 6 billion hours of video is watched every month on Youtube, of which 38.4% is music-related.

- **Reverbnation** is one of the world’s largest music community and a leading music distributor with over 3.87 million musicians, venues labels and industry professionals covering every country globally. The Reverbnation community grows by over 50,000 artists, bands, labels and industry professionals monthly.

- **BMG** – BMG is focused on the management of music publishing and recording rights. BMG has an international presence and represents over 2.5 million music rights globally.

A2IM also includes members that are associated with global government agencies which exclusively represent substantial music economies and music members, such as France (BureauExport), China (China Audio Video Association) and Germany (Initiative Musik). A2IM also has Affiliate associations within the global music community. These include Affiliates such as MusicFirst, the Copyright Alliance, the Worldwide Independent Network (WIN) and Merlin.

A2IM also represents a recognized Music Coalition representing the interests of the Global Independent Music Community. The A2IM Coalition includes Merlin, a global rights agency for the independent label sector, representing over 20,000 labels from 39 countries, Worldwide Independent Network (representing label creators in over 20 countries), Association of Independent Music (representing largest and most respected labels in the world), and IMPALA (Independent Music Companies Association on behalf of over 4,000 independent music companies and national associations across Europe, representing 99% of music actors in Europe which are micro, small and medium sized enterprises.)
Cumulatively, A2IM’s Label and Associate Membership, A2IM’s Affiliates and the A2IM’s Global Independent Music Community Coalition, covers a **majority** of the global music community. Its cumulative membership is in the hundreds of millions of entities with formal boundaries belonging to strictly organized and delineated communities related to music as per the Community Definition and Size (See Application answer to Question 20a).

Another global Music Community Coalition led by the RIAA “on behalf of over 15 national and international trade associations” also expressed its support for .MUSIC to be under a “community” application model, including encouraging statements in support of DotMusic’s policies that stated that the coalition “was encouraged to see” that DotMusic “included several measures to deter and address copyright infringement within that TLD.” The “coalition members represent the people that write, sing, record, manufacture, distribute and/or license over 80% of the world’s music”⁷¹ – a **majority** of global music.⁷²

Collectively, the DotMusic application received support from the largest coalition of music community member organizations ever assembled to support a cause. Such unparalleled global Music Community support represents an overwhelming **majority** of the global Music Community. Cumulatively, DotMusic possesses documented support⁷³ from institutions/organizations representing a majority of the Community addressed. Music -- as commonly-known by the general public and experienced today -- would **not** be possible without these supporting, non-negligible and relevant organizations that have endorsed DotMusic.

In conclusion, there is substantive evidence that DotMusic entirely fulfills the criteria for **Community Establishment** and **Community Endorsement** from the majority of the global Music Community as defined.

**B) Nexus**⁷⁴

According to the Applicant Guidebook (“AGB”), to receive the maximum score for Nexus, the applied-for string -- “music” -- must **match** the name of the community or be a well-known short-form or abbreviation of the community name.

The Nexus of the “Music Community” entirely **matches** the applied-for “music” string because it represents the **entire** global Music Community as commonly-known and perceived by the general public. This definition allows for all constituents with a requisite awareness of the Community

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⁷³ [http://music.us/supporters](http://music.us/supporters)
⁷⁴ See [http://music.us/nexus](http://music.us/nexus)
defined to register a .MUSIC domain without any conflicts of interests, over-reaching or discrimination. The definition of the Community requires that members have an active, non-tangential relationship with the applied-for string and the requisite awareness of the music community they identify with as part of the registration process. It is clear that the general public will directly associate and equate the string with the Community as defined by DotMusic. There is no possibility of overreaching beyond the definition or allowing unrelated non-music entities to be included as part of the Community.

Community members may register a .MUSIC by either:

1) Identifying that they belong to a Music Community Member Organization (“MCMO”); or

2) Identifying the community they belong to, which is consistent with the definition of the Community: “the strictly delineated and organized logical alliance of communities of similar nature related to music.”

All Community members are aware of and recognize their inclusion in the defined Community by identifying which clearly defined community they belong to and have an active participation in. The nexus of the applied-for string ensures inclusion of the entire global community that the string represents while excluding unrelated-entities not associated with the string. This way there is a clear match and alignment between the “music” string and the Community defined.

While the exact size of the global Music Community as defined is unknown (there is no empirical evidence providing an exact, finite number because amateur entities are also included in the Community’s definition), it is in the considerable millions as explicitly stated in the DotMusic Application. DotMusic’s definition of the Community and mutually-inclusive Registration Policies ensure that eligible members are only music-related and associated with the string. This is because the string identifies all constituents involved in music. Music-only participation optimizes the relevancy of .MUSIC domains to the string and entirely matches the nexus between the string and Community defined. According to DotMusic, the Community definition, eligibility criteria and content and use requirements ensure that peripheral industries and entities not related to music are excluded so that the string and the defined Community matches and aligns in a consistent manner consistent with DotMusic’s community-based purpose i.e. only entities with music-related activities are able to register .MUSIC domains.

Membership aligns with the nexus of the Community and the string, which is explicitly relevant to music. The string as defined in the application demonstrates uniqueness because it has no other significant meaning beyond identifying the community described in the application. According to DotMusic’s application, any tangential or implicit association with the nexus of the Community and the string is not regarded as a delineated membership since it would be considered unclear, dispersed or unbound. Such unclear, dispersed or unbound tangential
relationships with the defined “music” Community and applied-for “music” string would not constitute a qualifying Community membership and would be ineligible for registration.

The inclusion of every music constituent type is paramount to the purpose of the string. Every type of music constituent critically contributes to the function and operation of the music sector within a regulated framework given the symbiotic overlapping nature of the Community as defined and structured. Music would not function as it does today without the participation of all music constituent types which cumulatively match the string with the Community definition.

In conclusion, there is substantive evidence that DotMusic entirely fulfills the criteria for Nexus.

Respectfully Submitted,

Stella Black, MM

Name: Stella Black, MM
Title: Composer/Opera Singer
Organization: VMD Group Enterprises, Owner
Date: April 3, 2015
**About Stella Black, MM**

*Degrees & Studies:*

Bachelor of Music Degree - Vocal Performance and Composition

Bachelor of Psychology Degree

Masters Degree of Music - Vocal Performance, Vocal Pedagogy, and Music Composition

PHD studies in Cognitive Research

Post Graduate Studies - Oberlin Coservatory of Music - Voice and Computer Analysis of the Human Voice under Richard Miller

American Institute of Musical Studies, Gras Austria - Vocal Performance/Concert Series

Additional Private Studies with, Harold Heiberg of Texas State/ Mary Schiller of Ohio State/ Jane Rolondi Gray of Converse Conservatory of Music/ Jerry Helton of Winthrop Conservatory of Music/ Arranging with Kay Holley - former Music Director of Radio City Music Hall/ Conducting - Bill Malambree of Winthrop Conservatory of Music/Gyrotonics and Gyrokenisis Foundation( founded by Julio Hrovatt former Ballet Master of the Metropolitan Opera Ballet) in Dance with Miriam Barbosa fo Martha Graham School of Dance, New York.

*Professional Organizations:*

ASCAP - Artist
ASCAP - VMD Publishing/SB Productions
NSAI
WWSWA
NATS
SAG/AFTRA

*Awards:*

Metropolitan Opera Winner
Southeastern Opera Winner
NATS Vocal Winner (5 consecutive years) - Southeast Region
Young Artist Vocal Winner - Southeast Region
Recipient of the Charlotte Opera Guild Scholarship
ASCAP Plus New Songwriter Award - 2004
Finalist in three categories of the ISC International Songwriting Competition - 2006 - Nashville
Finalist in the ISC People's Choice Awards - 2006 - Nashville